EXHIBIT 5

		——————————————————————————————————————
1	UNITED STATES DISTRICT COURT	Page 1
2	EASTERN DISTRICT OF MICHIGAN	
3	SOUTHERN DIVISION	
4		
5	JUSTIN GUY, individually and on	
6	behalf of those similarly situated,	
7	Plaintiff,	
8	vs. Case No. 20-cv-12734-MAG-EAS	
9	HON. MARK A. GOLDSMITH	
10	ABSOPURE WATER COMPANY, LLC	
11	a domestic limited liability company,	
12	Defendant.	
13		
14		
15		
16	The Deposition of DAVID SUJKOWSKI,	
17	Taken in Carleton, Michigan,	
18	Commencing at 4:05 p.m.,	
19	Thursday, July 6, 2023,	
20	Before Laurie R. Mayer, CSR-5385.	
21		
22		
23		
24		
25		

	bury	00	′	20	2 to 5
1 REMOTE APPEARANCES:	Page	2			Page 4
2					eton, Michigan
3 ANDREW R. FRISCH					sday, July 6, 2023
4 8151 Peters Road, Suite 4000				4:05	p.m.
5 Plantation, Florida 33324		- 1	4		
6 (954) WORKERS			5		DAVID SUJKOWSKI,
7 afrischeforthepeople.com			6		was thereupon called as a witness herein, and after
8 Appearing on behalf of the Plaintiff.			7		having first been duly sworn to testify to the truth,
9			8		the whole truth and nothing but the truth, was
10 MICHAEL O. CUMMINGS			9		examined and testified as follows:
11 Cummings, McClorey, Davis & Acho, P.L.C.		- 1	10		EXAMINATION
12 1185 Avene of The Americas, Third Ploor		- 1 "			R. CUMMINGS:
] 1	12 (Q.	Mr. Sujkowski, would you please state your fall name
13 (212) 547-8010] 1	13		for the record?
14 mcummings@cmda-law.com		1	14	A.	David Andrew Sujkowski.
15 N.Y. Bar No. 2701506		- 1	15 (-	And what is your current address?
16 Appearing on behalf of the Defendant.] 1	16	A.	Michigan
17		1	17		48183.
16		1	18 (Q.	Thank you. Have you ever had your deposition taken
19] 1	19		before?
20		2	20 2	A.	I have not, no.
21		2	21 (Q.	I will go over some of the ground rules and some of
22		2	22		the things that will happen so you will have an
23		2	23		understanding. The first thing is, do you understand
24		2	24		that you are under oath and that potentially if you
25		2	25		said anything knowingly false, you might be subject to
		\dashv	_		
1 TABLE OF CONTENTS	Page	3	,		Page 5
2			1		penalties for perjury?
3 WITNESS PAGE	E	-	2 1		Yes.
4 DAVID SUJKOWSKI			3 (Q.	And as you just did, please continue to answer
5			4		questions affirmatively, yes or no verbally, rather
6 EXAMINATION			5		than nodding your head. That will help us
7 BY MR. CUMMINGS: 4			6		tremendously.
8 EXAMINATION			7.		Understood.
9 BY MR. FRISCH: 42			8	Ų.	And, also, please try to listen to my full question.
10 RE-EXAMINATION			9		Sometimes the question and the answer will seem
11 BY MR. CURMINGS: 43			10		obvious to you when I'm halfway through, but I would
12			11		still please ask you to wait until I finish my
13 EXHIBITS			12		question, so for the court reporter both to get it
			13		down clearly in the transcript and to also give your
14			14		attorney any chance to object. Do you understand
15 EXHIBIT PAGE			15		that?
16 (Rubibite vetsined by several)	E			_	•••
16 (Exhibits retained by counsel.)	E	:	16		Yes.
17	E	:	16 17		And, also, I would like you not to guess for any
17 18 EXHIBIT 1	E	:	16 . 17 18		And, also, I would like you not to guess for any answers that or any questions that I ask. It would
17 18 EXHIBIT 1 19 EXHIBIT 2	E		16 . 17 ! 18		And, also, I would like you not to guess for any answers that or any questions that I ask. It would be fine if you can give an approximation, say
17 18 EXHIBIT 1 19 EXHIBIT 2 20 EXHIBIT 3	Е		16 17 18 19 20		And, also, I would like you not to guess for any answers that or any questions that I ask. It would
17 18 EXHIBIT 1 19 EXHIBIT 2 20 EXHIBIT 3 21 EXHIBIT 4	Е		16 . 17 ! 18		And, also, I would like you not to guess for any answers that or any questions that I ask. It would be fine if you can give an approximation, say
17 18 EXHIBIT 1 19 EXHIBIT 2 20 EXHIBIT 3 21 EXHIBIT 4 22 EXHIBIT 5	E		16 . 17 ! 18 . 19 . 20 . 21 .	Q. A.	And, also, I would like you not to guess for any answers that or any questions that I ask. It would be fine if you can give an approximation, say approximately when or how long or something, but not
17 18 EXHIBIT 1 19 EXHIBIT 2 20 EXHIBIT 3 21 EXHIBIT 4 22 EXHIBIT 5	E		16 . 17 ! 18 19 20 21 22 23	Q. A.	And, also, I would like you not to guess for any answers that or any questions that I ask. It would be fine if you can give an approximation, say approximately when or how long or something, but not guess. Do you understand that?
17 18 EXHIBIT 1 19 EXHIBIT 2 20 EXHIBIT 3 21 EXHIBIT 4 22 EXHIBIT 5 23	E		16 . 17 ! 18 . 19 . 20 . 21 .	Q. A.	And, also, I would like you not to guess for any answers that or any questions that I ask. It would be fine if you can give an approximation, say approximately when or how long or something, but not guess. Do you understand that? Yes. And I'm going to ask, would you please, if you do not understand my question either because of audio issues
17 18 EXHIBIT 1 19 EXHIBIT 2 20 EXHIBIT 3 21 EXHIBIT 4 22 EXHIBIT 5	E		16 . 17 ! 18 19 20 21 22 23	Q. A.	And, also, I would like you not to guess for any answers that or any questions that I ask. It would be fine if you can give an approximation, say approximately when or how long or something, but not guess. Do you understand that? Yes. And I'm going to ask, would you please, if you do not

6 to 9

		, 2 0	0 00 9
1 A.	Page 6	1	Page 8 can typically?
2 Q.	Now, is there anything going on with you today?	2 A.	•
3	Sometimes medication or other drugs or other issues	3 A.	Five-gallon water jugs, cases of water. And then after any coolers, if you retrieved those, as well,
4	that might prevent you from understanding my questions	4	
5	and answering them fully?	ł	if you had coolers for the day, as well.
6 A.	No.	5 Q. 6 A.	And how did the coolers get on the truck?
7 Q.	Now, you are here today because you were once employed		I would put them on there. I would find the coolers
8		7	that were a part of my route after I checked my
9 A.	at Absopure Water Company; is that correct? Yes.	B	inventory. Then I would go find my coolers, then
10 Q.	Do you recall the dates that you were there?	9	place them on the truck.
10 Q.	February of 2021 to March of 2022.	10 Q.	Did you ever put any and the coolers were to be
12 Q.		11	was it correct that these coolers were to be placed in
13	What was your position or positions when you were there?	12	customer locations?
14 A.		13 A.	Yes.
15	My job title was listed as sales and service	14 Q.	Did you ever have any other equipment that you placed
1	specialist.	15	in customer locations?
16 Q.	And for what reason did you leave in March of 2022?	16 A.	There would be special items like coffee or any sort
17 A.	I found another job opportunity.	17	of coffee accessories that were picked up before you
18 Q. 19 A.	Are you currently employed?	18	would leave the facility.
20 Q.	Yes. What is your current position and employer?	19 Q.	Did you ever pick up a coffee maker or anything like
20 Q. 21 A.	• • •	20	that?
21 A. 22	I am a senior accountant with Imlach Movers in Trenton.	21 A.	Yes, periodically, there would be a coffee maker or
L		22	say a cup sleeve for a water cooler that someone
23 Q.	And for the first part here, I'm going to ask some	23	requested and specialty items like that that would
24	questions about your job duties when you were with	24	come along every now and then.
25	Absopure. And I would like to step you through	25 Q.	And was there a typical amount of coolers that you
	Page 7		Page 9
1	just so you understand, I will step you through your	1	would take with you on any given day?
2	day. Did you work at the Plymouth facility?	2 A.	It would range quite a bit. I would say on a typical
3 A.	Yes.	3	day, you were looking at, let's say three to four.
4 Q.	And what was the very first thing you did when you	4 Q.	Was there a maximum number that you took with you?
5	arrived at work each day?	5 A.	I believe I about 30 of them.
6 A.	I held my badge up to their time clock, or I guess let	6 Q.	Okay. How often, to the best you can recall, would
7	them know that I was there for the day.	7	you take say more than 10 or 10 or more?
8 Q.	Did you do that every day?	8 A.	I would say let's say 5, 5 to 10 times, I did that.
9 A.	Yes.	9 Q.	And that would be during the entire time that you
10 Q.	And what did you do next?	10	worked?
11 A.	I would go to my mailbox and retrieve my paperwork.	11 A.	During my duration there, yes.
12 Q.	And what was the paperwork that you retrieved?	12 Q.	Okay. And after you obtained the coolers or whatever
13 A.	It consisted of special deliveries, my route, all of	13	other equipment and checked or and looked at the
14	my stops for that day and any other additional notes	14	inventory on your truck, what did you do next?
15	that needed to be passed along.	15 A.	You would if the inventory was correct, then you
16 Q.	I apologize. I forgot that I had not put my video on.	16	would pull your truck around and load everything into
17	So now you can see me. And what did you do after	17	the handheld for your supervisor to check off on.
18	retrieving your paperwork?	18 Q.	And what was the handheld that you just mentioned?
19 A.	I went through it, made any notes that I needed	19 A.	Well, a handheld device that preloaded our inventory
20	that I wanted to personally, for the day.	20	and our routes for the day, to check off that each
21 Q.	And then what did you do next?	21	delivery, each stop was completed. And then once it
22 A.	I took my paperwork and went out to my truck to do an	22	was completed, it printed out a receipt to hand to the
1			
23	inventory of what was on there to verify everything was correct.	23 24 Q.	customer. And what do you mean by preloaded? Was that was

some information in the handheld when you first got it

25 Q. And what kind of products were on the truck -- and you 25

10 to 13

		o, 2.	10 00 13
1	in the morning?	1 A.	Page 12
2 A.	Our route was for the day. Once our supervisor	2	Yes, I guess that yeah, you would go verify that
3	checked off, it was preloaded on there. So all of our	3	they had the inventory of coffee on hand, and you
4	stops coincided with what was on our paperwork.	4	would enter that on to your inventory sheet and then
5 0.	And did, at some point in the morning, did you pick up	5 Q.	proceed to go to the manager for the final checkoff.
6	the handheld or get it?	6	And, again, after you the final checkoff with the
7 A.	Yes. Typically, I would that would be one of the	7 A.	manager, what did you do then?
8	first things I would do. You would get your handheld,	8 A.	Then they would have us just kind of do a walkthrough
9	yes.	9	with the truck, make sure the truck was in good
10 Q.	Was that before or after you got your paperwork, for	_	operating conditions, and I guess that would coincide
11	example?	10	with the final checkoff. They would do a walkthrough
12 A.		11	with the truck, make sure it was in good conditions.
13 Q.	It would be right at the same time. And you said you would you said something about	12	And we would go through this little checklist, I
14	I don't want to if I understand correctly, about	13	guess, of making sure everything on the truck was
15	•	14	okay, and if there were any issues to note them.
16	putting the inventory into the handheld when you got	15 Q.	Did you have a name for the checklist that you went
17 A.	to your truck. What would that be?	16	through or a term you used for it?
1	Yeah. How I typically did it was, I would put the	17 A.	Not specifically, not that I can recall.
18	inventory into the handheld once I got back to the	18 Q.	Did you go through that checklist with the manager?
19	office. I verified everything on my paperwork as far	19 A.	Yes, there were yeah, on a typical day, we would go
20	as inventory being complete, and then I would load it	20	through the checklist, and they would make sure that
21 22	into the handheld at the office right before handing	21	everything was good to go.
- I	it to my supervisor.	22 Q.	And you did that was this after you drove your
23 Q.	And how did you go ahead, please.	23	truck out of the warehouse area?
24 A. 25	Yeah. Right before I handed it to my supervisor for him to go through his process.	24 A. 25	Yes, yeah, the truck would be out in front of the office for the supervisor to observe.
23	mili to go through his process.	23	office for the supervisor to observe.
1 Q.	Page 11 I see. And how would you load it into the handheld?	1 Q.	Page 13 And once that inspection off the checklist was done,
2 A.	I would just match up item numbers with what was on	2	what did you do then?
3	the handheld and with what was on my physical	3 A.	Then once that was done, the handheld was all set,
4	paperwork or my inventory sheet. And then that's	4	everything was supervisors checked off, then you
5	make sure everything agreed.	5	were ready to proceed, start your route.
6 Q.	And you said you gave it to your manager for his	6 Q.	Okay. Now, is there something that was called
7	process. What was the manager's process that you	7	checking out the truck?
8	mentioned?	BA.	I guess if that type of terminology was used, then
9 A.	Specifically, I don't know as far it was basically	9	it's nothing that I was familiar with.
10	handed to him, and I think it was just kind of like a	10 Q.	Was there some kind of input into the handheld that
11	final checkoff like, yeah, he's ready to go. That	11	signified that your manager you and your manager
12	would be my best understanding.	12	had agreed to the inventory that was on the truck that
13 Q.	I see. And then what did you do after handing it off	13	day?
14	and I guess, I assume you got it back from the	14 A.	Yes, two receipts of the printout, and we would each
15	manager then?	15	initial one copy of the receipt.
16 A.	Uh-huh.	16 Q.	Okay. And was there something that you pressed or did
17 Q.	And then what would you do after that?	17	on the handheld at that point?
18 A.	If I had any special items, like coffee, anything	18 A.	No, he would go through his, and then the receipt
19	along those lines, go and retrieve those to put onto	19	his process. Then he would then it would print out
20	the truck.	20	on the printer, and then we would each initial, and he
21 Q.	And when you retrieved, did you also make some input	21	would keep a copy, and then I would keep a copy
22	into the handheld about the coffee items?	22	throughout the day on my route.
23 A.	Yes, yes. That would be included, yeah.	23 Q.	Okay. How long would it typically take from the time
1		1	

24

25

you swiped, you said your card, or put your card by

the sheet in the morning until the time you finished

24 Q. So would you do that before you gave the handheld to

the manager or after?

	July 0	5, 2	023 14 to 17
1 2 3 A. 4 Q. 5 6 A. 7 8 9 10 Q.	Page 14 your printing out the receipts with your manager? How much time would that typically take on any given day? I would say typically like 30 to 40 minutes. Okay. Were there times when it was significantly shorter or longer? I wouldn't say significantly shorter. If there were days that the inventory was incorrect or the truck was not preloaded altogether, then there were days that was significantly longer. How long could it be?	1 2 3 4 Q. 5 6 7 A. 8 Q. 9 10 A.	Page 16 they're taking, what quantity of product they're taking and deliver it to them. The only difference is there's no empty water jugs for those. I see. And you mentioned something about printing out receipts in the handheld. Were you printing receipts while you were making stops on your routes? Yes. Now, were you ever receiving any cash or checks from customers at your routes? Yes, there were some people that paid cash on
11 A.	Anywhere to an hour, an hour and a half.	10 A.	delivery.
12 Q.	Okay. If you can, how long would how often would	12 Q.	And, approximately, how long did it typically take you
13	you say you said, I believe, 30 to 40 minutes. How	13	to do your route?
14	often was it longer than 45 minutes in this morning	14 A.	With it being the downtown Detroit route, there were a
15	process from the time you came in until the time you	15	lot of, I would say, detours. So, honestly, most days
16	print out the receipts?	16	it would be difficult to finish my route. So I was
17 A.	If I had to, I would say that would happen a couple	17	out there from basically all day and did as much as
18	times a month. I would say two to three times a	18	I could.
19	month.	19 Q.	By all day, could you give an approximation on hours
20 Q.	Did you ever fuel the truck?	20	that it would take?
21 A.	No.	21 A.	I would stay out there until most businesses closed,
22 Q.	Then once you print out the receipts, you said you	22	so about 5:00 between 4:30 and 5:00 is when I would
23	would would you start out on driving the truck for	23	head back.
24	the day?	24 Q.	Going back to the very beginning of the day, what time
25 A.	Yes.	25	or times did you typically arrive first at work in the
1 Q.	Page 15 Were you assigned a particular route?	1	Page 17
2 A.	Most of my time was spent in the downtown Detroit	2 A.	I would typically arrive between any times between
3	area.	3	6:45 and 7:30.
4 Q.	Do you recall if that was given a route number?	4 Q.	I see. And then you mentioned typically it would be
5 A.	If it was, I do not recall what it was.	5	30 to 40 minutes before you got on the road after
6 Q.	Okay. And how many stops were typically on your	6	that; is that correct?
7	route?	7 A.	Correct, yes.
8 A.	On a given day, 30 to 40.	8 Q.	Okay. Then what happened now, you said you is
9 Q.	And could you run briefly run through what you	9	it correct then that you said you typically did not
10	would do at each stop?	10	get to all of your stops on any given day?
11 A.	A normal stop would consist of looking at a handheld	11 A.	More times than not, yes, that is correct.
12	or the paperwork for the type of water and quantity	12 Q.	And what would happen if you didn't get to your stops
13	that a particular customer took, and then proceed to	13	on a particular day?
14	go to the customer, drop off, deliver their water and	14 A.	They would get moved to the next day, and then I would
15	take their empty bottles.	15	make a priority to get to them, yeah.
16 Q.	And when you said was that for a residential	16 Q.	Did you find yourself in situations where you got
17 18 A.	customer? That would be for residential and business customers.	17 18	behind on making stops where you couldn't there were more do you understand what I mean, that you
19 Q.	Okay. Did you about what percentage of your	19	couldn't quite catch up the next day or in a number of
20	customers that you can recall received coffee products	20	days? Did that occur?
21	of some kind?	21 A.	Yes, yes.
22 A.	I would say five percent.	22 Q.	And what would happen in those situations?
		1	
23 Q.	Okay. And would the your activities at a stop with	23 A.	I mean, it would just be a situation where you would

25

or if there were call-ins, you would have to

25 A. No, it would be the same process, check what product

David Sujkowski

	July 0	6, 20	023 18 to 21
1	Page 18 prioritize, I guess, on a level of importance. If you	1	Page 20 for the day. Then you would if they were
2	got to know your customers and you got to kind of get	2	available, you would go to your supervisor and then
3	a good feel, then you could say, okay, I think they're	3	discuss the route for the day and then preview the
4	going to be good for a day or two until I can get to	4	next day's route.
5	them.	5 Q.	And after meeting with your supervisor, what would you
6 Q.	I see. Did you ever have to do an extra route or an	6	do?
7	extra set of deliveries to catch up?	7 A.	If everything for the next day's route looked good, he
8 A.	No. Well, I did have to work there were some	8	would show you your pay for the day, how much you
9	Saturdays that we would work as if we during a busy	9	earned in commission, and then you would he would
10	time, I would say. There was a so then we would	10	print out an inventory sheet and a I guess a
11	work six days that week to help play catchup.	11	like it's a lot (phonetic) sheet or a breakdown of
12 Q.	How often did you work on Saturdays?	12	your truck, and you would go through how you would
13 A.	During my time there, I would say I worked five or six	13	like your truck loaded for the next day.
14	Saturdays.	14 Q.	Have you ever heard the term, load sheet?
15 Q.	The total time, correct?	15 A.	Yes, load sheet, yeah. That's what I was trying to
16 A.	Yes.	16	think of, yeah.
17 Q.	Okay. Now, once you finished your route for the day,	17 Q.	And that was a document you filled out to determine
18	what steps did you take?	18	what would be loaded on your truck the following day;
19 A.	You would go into the you would drive back. You	19	is that correct?
20	would get to the facility. Then you would go straight	20 A.	Yes, correct.
21	to the warehouse. And one of the warehouse workers	21 Q.	Okay. Who were the your supervisor or supervisors
22	would verify your inventory and get your empties off	22	that you met with at the end of the day there?
23	the truck. And then you would pull the truck around	23 A.	It was primarily Tony. He was primarily the one that
24	and park it and proceed to the office.	24	would work in the afternoons when we got or
25 Q.	How did the warehouse worker verify your inventory?	25	evenings when we got back. And then every now and
1 A.	Page 19 He would you would open up all your doors and walk	1	Page 21 then, my other supervisor, it would have been Al or
2	around the truck and check the inventory on it.	2	Alex, but he was on a typical day, he would be my
3 Q.	During this part of the verifying, did the warehouse	3	supervisor that would have checked me out in the
4	worker do anything with the handheld device that you	4	morning.
5	had?	5 Q.	Do you happen to remember Tony or Alex's last names?
6 A.	Yes, he would have to do it, what I would deem a	6 A.	I do not remember their last names, unfortunately.
7	check-in process, enter the inventory for each	7 Q.	Okay. And what did you do with your load sheet when
8	particular product. Then after he was done with his	8	you were done with it?
9	process, a receipt would print out and he would	9 A.	You would either give it right to Supervisor Tony, or
10	initial.	10	you would put it in the basket right at his desk.
11 Q.	And then after receiving that receipt that he	11 Q.	Were you aware if the load sheets were ever scanned in
12	initialed, what did you do next?	12	on a scanner at any point?
13 A.	Then you that's at that point, you would get	13 A.	I believe they would if I'm not mistaken, they
14	back and then close up the truck, drive around and	14	would take it to the scanner, and they would scan it
١	and order up the crucky write around and	1	

back and then close up the truck, drive around and 14 15 then park the truck and collect everything.

16 Q. Then after that, what did you do?

17 A. Then you would proceed to the office and then you

18 would take your handheld, put that and any cash you

19 may have acquired throughout the day and your

20 receipts, and give it to who I believe was an

accounting individual. 21

22 Q. Okay. And then did you do anything after that?

23 A. They would go through their process, collect all the

24 receipts, cash, give you your handheld and printer,

25 say you're all set, put your handheld away to charge 15 back to the warehouse until they had the paperwork for

16 the next day.

17 Q. And who was they that would do the scanning?

18 A. Supervisor Tony or whoever. That would be my

19 supervisor, so Tony.

20 Q. I see. Okay. So I'm going to put up on the screen

21 here a document. I'm going to share it on the screen.

22 Hopefully, you will be able to see it clearly enough,

23 and let me see if I can find it here. I'll put it so

it's nice and big and visible and -- all right. I'm

25 putting on the screen a document. Can you see

```
Page 22
                                                                                                                      Page 24
 1
        something on the document, Mr. Sujkowski? I mean on
                                                                 1
                                                                        next to it. Would that mean that you were only taking
 2
        the screen there?
                                                                        that particular type of product for that following
3 A.
                                                                 3
 4 0.
       It says -- on top, it says page 1. Across the top, it
                                                                 4 A.
                                                                        For that particular truckload, yes. You only have
        says daily truck load sheet, water, route downtown,
                                                                        that one product going on the truck.
                                                                        And for the list of the products there, you can review
        11047. Unfortunately, I do not have a Bates number on
                                                                 6 0.
        this document. Have you seen this document before,
                                                                        them, could you say if -- which ones were or were not
       Mr. Sujkowski?
                                                                        typical for you to take?
 9 A.
                                                                        I'm sorry. For the?
                                                                 9 A.
10 Q.
       Okay. And what is it?
                                                                10 0.
                                                                        List of documents. I believe some of them say DIS 3
11 A.
       That is just a load sheet. It's standard, just giving
                                                                11
                                                                        gallon, and its product number is 600, 400, DIS 5
12
       you how much of a certain quantity of a product you
                                                                12
                                                                        gallon. Do you see the list of products about the
13
       wanted on your tuck and where you wanted it located on
                                                                13
                                                                        middle of the page on the left?
14
       your truck.
                                                                14 A.
15 Q.
       I'm going to scroll down a little bit. Is this little
                                                                15 Q.
                                                                        Which of these products can you say were typical or
16
       graphic on the bottom here, the left side, it says,
                                                                16
                                                                        not typical for you to take on any given day?
17
        front, is that a graphic showing where on the truck it
                                                                17 A.
                                                                        All of them --
18
       would be?
                                                                18
                                                                                   MR. FRISCH: Objection, vague, but you can
19 A.
       Yes
                                                                19
                                                                        answer.
20 Q.
       And -- okay. And so there's a date on it that says
                                                                20 A.
                                                                        All of them were standard products, and I do recognize
21
        3/3/2022. What would that date signify?
                                                                        all of them, and I would typically deliver them, yes.
22 A.
       That date should signify the next day's route, if I'm
                                                                22 BY MR. CUMMINGS:
22
        not mistaken.
                                                                        Okay. All right. I will stop sharing the screen at
                                                                23 O.
24 Q.
       Okay.
                                                                24
                                                                        the moment. And, Mr. Sujkowski, how was your pay
                                                                        determined or calculated that you received from
25 A.
       The day of the route, yeah.
                                                                25
                                                     Page 23
                                                                                                                      Page 25
 1
                   MR. CUMMINGS: And so I'm going to
                                                                 1
                                                                        Absopure?
 2
        designate this as Exhibit 1, and I will forward it
                                                                 2 A.
                                                                        We received a daily rate, and if our commissions
 4
        around right after the deposition. So, first, we just
                                                                        exceeded that daily rate, then we would earn money on
        got ahold of this document, and we will forward it.
                                                                        commission.
 5
        We will Bates number it and send it around, hopefully,
                                                                 5 Q.
                                                                        And do you know how the commission was calculated?
        if not by the end of the day, first thing tomorrow. I
                                                                        It was based on a percentage of how much product we
 6
                                                                 6 A.
 7
        have a couple more of these. I will --
                                                                        delivered.
 8
                   MR. FRISCH: Note our continuing objection
                                                                 8 Q.
                                                                        I'm going to put another document on the screen for
 9
        to the use of documents that were not produced
                                                                        you shortly, and give me a minute. I will try to find
10
        previously in discovery. Discovery has closed, and I
                                                                10
                                                                        a relatively clear example of one. I am putting on
11
        don't think this is proper. We're being sandbagged
                                                                11
                                                                        the screen a page of a document. The whole document
                                                                         in particular bears Bates numbers 5044 through 5095.
12
        with documents. This is kind of like a moving target
                                                                12
13
        in this whole case, and we object to the use of these
                                                                13
                                                                        This particular page, I will scroll down. It has the
                                                                        Bates number 5067. And, Mr. Sujkowski, can you see
14
        undisclosed documents both in the deposition and at
                                                                14
15
        any point beyond in this case.
                                                                15
                                                                         this document?
16
                   MR. CUMMINGS: Understood.
                                                                 16 A.
                                                                        Yes, I can.
17 BY MR. CUMMINGS:
                                                                 17 Q.
                                                                        Can you recognize the document?
18 Q.
        I'm putting another document in front of you, Mr.
                                                                        I would say that, yes, I do recognize it, yes.
                                                                18 A.
19
        Sujkowski. I'll make it smaller so you can see most
                                                                 19 0.
                                                                        Is there a name that you have referred to this
20
        of it. Is this also a load sheet, the type you were
                                                                 20
                                                                         document by?
21
        talking about?
                                                                 21 A.
                                                                        Nothing that I can recall, no.
22 A.
        Yes.
                                                                 22 Q.
                                                                        And what is the document showing?
23 Q.
        Okay. And now just looking -- there's a list of
                                                                 23 A.
                                                                        I would -- it appears to be showing total commission
24
        different products there. And for this particular
                                                                 24
                                                                         earned, total pay earned, for the week of 8/2 to
25
        case, it looks like you have only one with a number
                                                                 25
                                                                         8/6/2021.
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1			\neg
1	UNITED STATES DISTRICT COURT	Page	1
2	EASTERN DISTRICT OF MICHIGAN		
3	SOUTHERN DIVISION		
4			
5	JUSTIN GUY, individually and on		
6	behalf of those similarly situated,		
7	Plaintiff,		
8	vs. Case No. 20-cv-12734-MAG-EAS		
9	HON. MARK A. GOLDSMITH		
10	ABSOPURE WATER COMPANY, LLC		
11	a domestic limited liability company,		
12	Defendant.		
13			
14			
15			
16	The Deposition of DAVID SUJKOWSKI,		
17	Taken in Carleton, Michigan,		
18	Commencing at 4:05 p.m.,		
19	Thursday, July 6, 2023,		
20	Before Laurie R. Mayer, CSR-5385.		
21			
22			
23			
24			
25			

	- buly b	٥,	2023 2 60 5
1 REMOTE APPEARANCES:	Page 2		Page 4
2			arleton, Michigan
3 ANDREW R. FRISCH		1	hursday, July 6, 2023
			:05 p.m.
4 8151 Peters Road, Suite 4000		4	
5 Plantation, Florida 33324		5	DAVID SUJKOWSKI,
6 (954) WORKERS		6	was thereupon called as a witness herein, and after
7 afrisch@forthepeople.com		7	having first been duly sworn to testify to the truth,
8 Appearing on behalf of the Plaintiff.		В	the whole truth and nothing but the truth, was
9		9	examined and testified as follows:
10 MICHAEL O. CUMMINGS		10	EXAMINATION
11 Cummings, McClorey, Davis & Acho, P.L.C.		11 B	Y MR. CUMMINGS:
12 1185 Avene of The Americas, Third Ploor		12 Q	. Mr. Sujkowski, would you please state your fall name
13 (212) 547-8810		13	for the record?
14 mcummings@cmda-law.com		14 A	. David Andrew Sujkowski.
15 N.Y. Bar No. 2701506		15 Q	. And what is your current address?
Appearing on behalf of the Defendant.		16 A	. 2705 Dunlop, D-u-n-l-o-p, Street, Trenton, Michigan
17		17	48183.
18		18 Q	. Thank you. Have you ever had your deposition taken
19		19	before?
20		20 A	. I have not, no.
21		21 Q	. I will go over some of the ground rules and some of
22		22	the things that will happen so you will have an
23		23	understanding. The first thing is, do you understand
24		24	that you are under oath and that potentially if you
25		25	said anything knowingly false, you might be subject to
	_		
	Page 3		Page 5
1 TABLE OF CONTENTS		1	penalties for perjury?
2		2 A	
3 WITNESS	PAGE	3 0	• • •
4 DAVID SUJKOWSKI		4	questions affirmatively, yes or no verbally, rather
5		5	than nodding your head. That will help us
6 EXAMINATION		6	tremendously.
7 BY MR. CUMMINGS:	4	7 7	
8 EXAMINATION		8 0	And, also, please try to listen to my full question.
9 BY MR. FRISCH:	42	9	Sometimes the question and the answer will seem
10 RE-EXAMINATION		10	obvious to you when I'm halfway through, but I would
11 BY MR. CUMMINGS:	43	11	still please ask you to wait until I finish my
12		12	question, so for the court reporter both to get it
13 EXHIBITS		13	down clearly in the transcript and to also give your
14		14	attorney any chance to object. Do you understand
15 EXHIBIT	PAGE	15	that?
16 (Exhibits retained by counsel.)		16 7	A. Yes.
17		17 (). And, also, I would like you not to guess for any
18 EXHIBIT 1		18	answers that or any questions that I ask. It would
19 EXHIBIT 2		19	be fine if you can give an approximation, say
20 EXHIBIT 3		20	approximately when or how long or something, but not
21 EXHIBIT 4		21	guess. Do you understand that?
22 EXHIBIT 5		22 1	A. Yes.
23		1	
İ .		23 (). And I'm going to ask, would you please, if you do not
24		23 (understand my question either because of audio issues
25		1	

		·	
1 A.	Page 6 Understood.	.	Page 8
2 Q.	Now, is there anything going on with you today?	1	can typically?
3	Sometimes medication or other drugs or other issues	2 A. 3	Five-gallon water jugs, cases of water. And then
4	that might prevent you from understanding my questions	4	after any coolers, if you retrieved those, as well, if you had coolers for the day, as well.
5	and answering them fully?	5 Q.	And how did the coolers get on the truck?
6 A.	No.	6 A.	I would put them on there. I would find the coolers
7 Q.	Now, you are here today because you were once employed	7	that were a part of my route after I checked my
8	at Absopure Water Company; is that correct?	В .	inventory. Then I would go find my coolers, then
9 A.	Yes.	وا	place them on the truck.
10 Q.	Do you recall the dates that you were there?	10 Q.	Did you ever put any and the coolers were to be
11 A.	February of 2021 to March of 2022.	11	was it correct that these coolers were to be placed in
12 Q.	What was your position or positions when you were	12	customer locations?
13	there?	13 A.	Yes.
14 A.	My job title was listed as sales and service	14 Q.	Did you ever have any other equipment that you placed
15	specialist.	15	in customer locations?
16 Q.	And for what reason did you leave in March of 2022?	16 A.	There would be special items like coffee or any sort
17 A.	I found another job opportunity.	17	of coffee accessories that were picked up before you
18 Q.	Are you currently employed?	18	would leave the facility.
19 A.	Yes.	19 Q.	Did you ever pick up a coffee maker or anything like
20 Q.	What is your current position and employer?	20	that?
21 A.	I am a senior accountant with Imlach Movers in	21 A.	Yes, periodically, there would be a coffee maker or
22	Trenton.	22	say a cup sleeve for a water cooler that someone
23 Q.	And for the first part here, I'm going to ask some	23	requested and specialty items like that that would
24	questions about your job duties when you were with	24	come along every now and then.
25	Absopure. And I would like to step you through	25 Q.	And was there a typical amount of coolers that you
	Dago 7		Page 0
1	page 7 just so you understand, I will step you through your	1	Page 9 would take with you on any given day?
2	day. Did you work at the Plymouth facility?	2 A.	It would range quite a bit. I would say on a typical
3 A.	Yes.	3	day, you were looking at, let's say three to four.
4 Q.	And what was the very first thing you did when you	4 Q.	Was there a maximum number that you took with you?
5	arrived at work each day?	5 A.	I believe I about 30 of them.
6 A.	I held my badge up to their time clock, or I guess let	6 Q.	Okay. How often, to the best you can recall, would
7	them know that I was there for the day.	7	you take say more than 10 or 10 or more?
8 Q.	Did you do that every day?	8 A.	I would say let's say 5, 5 to 10 times, I did that.
9 A.	Yes.	9 Q.	And that would be during the entire time that you
10 Q.	And what did you do next?	10	worked?
11 A.	I would go to my mailbox and retrieve my paperwork.	11 A.	During my duration there, yes.
12 Q.	And what was the paperwork that you retrieved?	12 Q.	Okay. And after you obtained the coolers or whatever
13 A.	It consisted of special deliveries, my route, all of	13	other equipment and checked or and looked at the
14	my stops for that day and any other additional notes	14	inventory on your truck, what did you do next?
15	that needed to be passed along.	15 A.	You would if the inventory was correct, then you
16 Q.	I apologize. I forgot that I had not put my video on.	16	would pull your truck around and load everything into
17	So now you can see me. And what did you do after	17	the handheld for your supervisor to check off on.
18	retrieving your paperwork?	18 Q.	And what was the handheld that you just mentioned?
19 A. 20	I went through it, made any notes that I needed	19 A. 20	Well, a handheld device that preloaded our inventory
21 Q.	that I wanted to personally, for the day. And then what did you do next?	20	and our routes for the day, to check off that each delivery, each stop was completed. And then once it
22 A.	I took my paperwork and went out to my truck to do an	22	was completed, it printed out a receipt to hand to the
23	inventory of what was on there to verify everything	23	customer.
24	was correct.	24 Q.	And what do you mean by preloaded? Was that was
i i		25	some information in the handheld when you first got it
25 Q.	And what kind of products were on the truck and you	1 42	Some intolliaction in the handreid when you trist doi: 11.

	July 0	6, 2	023 10 to 13
,	Page 10		Page 12
1	in the morning?	1 A.	Yes, I guess that yeah, you would go verify that
2 A.	Our route was for the day. Once our supervisor	2	they had the inventory of coffee on hand, and you
3	checked off, it was preloaded on there. So all of our	3	would enter that on to your inventory sheet and then
4	stops coincided with what was on our paperwork.	4	proceed to go to the manager for the final checkoff.
5 Q.	And did, at some point in the morning, did you pick up	5 Q.	And, again, after you the final checkoff with the
6	the handheld or get it?	6	manager, what did you do then?
7 A.	Yes. Typically, I would that would be one of the	7 A.	Then they would have us just kind of do a walkthrough
8	first things I would do. You would get your handheld,	8	with the truck, make sure the truck was in good
9	yes.	9	operating conditions, and I guess that would coincide
10 Q.	Was that before or after you got your paperwork, for	10	with the final checkoff. They would do a walkthrough
11	example?	11	with the truck, make sure it was in good conditions.
12 A.	It would be right at the same time.	12	And we would go through this little checklist, I
13 Q.	And you said you would you said something about	13	guess, of making sure everything on the truck was
14	I don't want to if I understand correctly, about	14	okay, and if there were any issues to note them.
15	putting the inventory into the handheld when you got	15 Q.	Did you have a name for the checklist that you went
16	to your truck. What would that be?	16	through or a term you used for it?
17 A.	Yeah. How I typically did it was, I would put the	17 A.	Not specifically, not that I can recall.
18	inventory into the handheld once I got back to the	18 Q.	Did you go through that checklist with the manager?
19	office. I verified everything on my paperwork as far	19 A.	Yes, there were yeah, on a typical day, we would go
20	as inventory being complete, and then I would load it	20	through the checklist, and they would make sure that
21	into the handheld at the office right before handing	21	everything was good to go.
22	it to my supervisor.	22 Q.	And you did that was this after you drove your
23 Q.	And how did you go ahead, please.	23	truck out of the warehouse area?
24 A.	Yeah. Right before I handed it to my supervisor for	24 A.	Yes, yeah, the truck would be out in front of the
25	him to go through his process.	25	office for the supervisor to observe.
	Page 11		Page 13
1 Q.	I see. And how would you load it into the handheld?	1 Q.	And once that inspection off the checklist was done,
2 A.	I would just match up item numbers with what was on	2	what did you do then?
3	the handheld and with what was on my physical	3 A.	Then once that was done, the handheld was all set,
4	paperwork or my inventory sheet. And then that's	4	everything was supervisors checked off, then you
5	make sure everything agreed.	5	were ready to proceed, start your route.
6 Q.	And you said you gave it to your manager for his	6 Q.	Okay. Now, is there something that was called
7	process. What was the manager's process that you	7	checking out the truck?
8	mentioned?	8 A.	I guess if that type of terminology was used, then
9 A.	Specifically, I don't know as far it was basically	9	it's nothing that I was familiar with.
10	handed to him, and I think it was just kind of like a	10 Q.	Was there some kind of input into the handheld that
11	final checkoff like, yeah, he's ready to go. That	11	signified that your manager you and your manager
12	would be my best understanding.	12	had agreed to the inventory that was on the truck that
13 Q.	I see. And then what did you do after handing it off	13	day?
14	and I guess, I assume you got it back from the	14 A.	Yes, two receipts of the printout, and we would each
15	manager then?	15	initial one copy of the receipt.
16 A.	en 1. 1.		
1,2 4	Uh-huh.	16 Q.	Okay. And was there something that you pressed or did
17 Q.	And then what would you do after that?	17	on the handheld at that point?
18 A.	And then what would you do after that? If I had any special items, like coffee, anything	17 18 A.	on the handheld at that point? No, he would go through his, and then the receipt
18 A. 19	And then what would you do after that? If I had any special items, like coffee, anything along those lines, go and retrieve those to put onto	17 18 A. 19	on the handheld at that point? No, he would go through his, and then the receipt his process. Then he would then it would print out
18 A. 19 20	And then what would you do after that? If I had any special items, like coffee, anything along those lines, go and retrieve those to put onto the truck.	17 18 A. 19 20	on the handheld at that point? No, he would go through his, and then the receipt his process. Then he would then it would print out on the printer, and then we would each initial, and he
18 A. 19 20 21 Q.	And then what would you do after that? If I had any special items, like coffee, anything along those lines, go and retrieve those to put onto the truck. And when you retrieved, did you also make some input	17 18 A. 19 20 21	on the handheld at that point? No, he would go through his, and then the receipt his process. Then he would then it would print out on the printer, and then we would each initial, and he would keep a copy, and then I would keep a copy
18 A. 19 20	And then what would you do after that? If I had any special items, like coffee, anything along those lines, go and retrieve those to put onto the truck.	17 18 A. 19 20	on the handheld at that point? No, he would go through his, and then the receipt his process. Then he would then it would print out on the printer, and then we would each initial, and he

24

25

you swiped, you said your card, or put your card by

the sheet in the morning until the time you finished

24 Q. So would you do that before you gave the handheld to

the manager or after?

14 to 17

	July 00	5, 20	023 14 to 17
1 2 3 A.	Page 14 your printing out the receipts with your manager? How much time would that typically take on any given day? I would say typically like 30 to 40 minutes.	1 2 3	Page 16 they're taking, what quantity of product they're taking and deliver it to them. The only difference is there's no empty water jugs for those.
4 Q.	Okay. Were there times when it was significantly	4 Q.	I see. And you mentioned something about printing out
5	shorter or longer?	5	receipts in the handheld. Were you printing receipts
6 A.	I wouldn't say significantly shorter. If there were	6	while you were making stops on your routes?
7	days that the inventory was incorrect or the truck was	7 A.	Yes.
8	not preloaded altogether, then there were days that	8 Q.	Now, were you ever receiving any cash or checks from
9	was significantly longer.	9	customers at your routes?
10 Q.	How long could it be?	10 A.	Yes, there were some people that paid cash on
11 A.	Anywhere to an hour, an hour and a half.	11	delivery.
12 Q.	Okay. If you can, how long would how often would	12 Q.	And, approximately, how long did it typically take you
13	you say you said, I believe, 30 to 40 minutes. How	13	to do your route?
14	often was it longer than 45 minutes in this morning	14 A.	With it being the downtown Detroit route, there were a
15	process from the time you came in until the time you	15	lot of, I would say, detours. So, honestly, most days
16	print out the receipts?	16	it would be difficult to finish my route. So I was
17 A.	If I had to, I would say that would happen a couple	17	out there from basically all day and did as much as
18	times a month. I would say two to three times a	18	I could.
19	month.	19 Q.	By all day, could you give an approximation on hours
20 Q.	Did you ever fuel the truck?	20	that it would take?
21 A.	No.	21 A.	I would stay out there until most businesses closed,
22 Q.	Then once you print out the receipts, you said you	22	so about 5:00 between 4:30 and 5:00 is when I would
23	would would you start out on driving the truck for	23	head back.
24 25 A.	the day? Yes.	24 Q. 25	Going back to the very beginning of the day, what time or times did you typically arrive first at work in the
25 A.		23	of the did you typically affire fibe at work in the
	Page 15	١.	Page 17
1 Q.	Were you assigned a particular route?	1	morning?
2 A.	Most of my time was spent in the downtown Detroit	2 A.	I would typically arrive between any times between
3	area.	3	6:45 and 7:30.
4 Q. 5 A.	Do you recall if that was given a route number? If it was, I do not recall what it was.	4 Q.	I see. And then you mentioned typically it would be 30 to 40 minutes before you got on the road after
6 Q.	Okay. And how many stops were typically on your	6	that; is that correct?
7	route?	7 A.	Correct, yes.
8 A.	On a given day, 30 to 40.	8 Q.	Okay. Then what happened now, you said you is
9 Q.	And could you run briefly run through what you	9	it correct then that you said you typically did not
10	would do at each stop?	10	get to all of your stops on any given day?
11 A.	A normal stop would consist of looking at a handheld	11 A.	More times than not, yes, that is correct.
12	or the paperwork for the type of water and quantity	12 Q.	And what would happen if you didn't get to your stops
13	that a particular customer took, and then proceed to	13	on a particular day?
14	go to the customer, drop off, deliver their water and	14 A.	They would get moved to the next day, and then I would
15	take their empty bottles.	15	make a priority to get to them, yeah.
16 Q.	And when you said was that for a residential	16 Q.	Did you find yourself in situations where you got
17	customer?	17	behind on making stops where you couldn't there
18 A.	That would be for residential and business customers.	18	were more do you understand what I mean, that you
19 Q.	Okay. Did you about what percentage of your	19	couldn't quite catch up the next day or in a number of
20	-	1	down? Did that aggree?
1 20	customers that you can recall received coffee products	20	days? Did that occur?
21	customers that you can recall received coffee products of some kind?	20 21 A.	Yes, yes.
	-	1	
21	of some kind?	21 A.	Yes, yes.

24

25

almost have to prioritize. If there was special stops

or if there were call-ins, you would have to

24

coffee products be any different?

25 A. No, it would be the same process, check what product

	- Cary o		10 tO 21
١.	Page 18		Page 20
1	prioritize, I guess, on a level of importance. If you	1	for the day. Then you would if they were
2	got to know your customers and you got to kind of get	2	available, you would go to your supervisor and then
3	a good feel, then you could say, okay, I think they're	3	discuss the route for the day and then preview the
4	going to be good for a day or two until I can get to	4	next day's route.
5	them.	5 Q.	And after meeting with your supervisor, what would you
6 Q.	I see. Did you ever have to do an extra route or an	6	do?
7	extra set of deliveries to catch up?	7 A.	If everything for the next day's route looked good, he
8 A.	No. Well, I did have to work there were some	8	would show you your pay for the day, how much you
9	Saturdays that we would work as if we during a busy	9	earned in commission, and then you would he would
10	time, I would say. There was a so then we would	10	print out an inventory sheet and a I guess a
11	work six days that week to help play catchup.	11	like it's a lot (phonetic) sheet or a breakdown of
12 Q.	How often did you work on Saturdays?	12	your truck, and you would go through how you would
13 A.	During my time there, I would say I worked five or six	13	like your truck loaded for the next day.
14	Saturdays.	14 Q.	Have you ever heard the term, load sheet?
15 Q.	The total time, correct?	15 A.	Yes, load sheet, yeah. That's what I was trying to
16 A.	Yes.	16	think of, yeah.
17 Q.	Okay. Now, once you finished your route for the day,	17 Q.	And that was a document you filled out to determine
18	what steps did you take?	18	what would be loaded on your truck the following day;
19 A.	You would go into the you would drive back. You	19	is that correct?
20	would get to the facility. Then you would go straight	20 A.	
21	to the warehouse. And one of the warehouse workers	1	Yes, correct.
1		21 Q.	Okay. Who were the your supervisor or supervisors
22	would verify your inventory and get your empties off	22	that you met with at the end of the day there?
23	the truck. And then you would pull the truck around	23 A.	It was primarily Tony. He was primarily the one that
24	and park it and proceed to the office.	24	would work in the afternoons when we got or
25 Q.	How did the warehouse worker verify your inventory?	25	evenings when we got back. And then every now and
		 	
	Dago 10		Dage 21
1 A.	Page 19 He would you would open up all your doors and walk	1	Page 21 then, my other supervisor, it would have been Al or
1 A. 2		1 2	
ĺ	He would you would open up all your doors and walk		then, my other supervisor, it would have been Al or
2	He would you would open up all your doors and walk around the truck and check the inventory on it.	2	then, my other supervisor, it would have been Al or Alex, but he was on a typical day, he would be my
2 3 Q.	He would you would open up all your doors and walk around the truck and check the inventory on it. During this part of the verifying, did the warehouse	2	then, my other supervisor, it would have been Al or Alex, but he was on a typical day, he would be my supervisor that would have checked me out in the
2 3 Q. 4	He would you would open up all your doors and walk around the truck and check the inventory on it. During this part of the verifying, did the warehouse worker do anything with the handheld device that you	2 3 4	then, my other supervisor, it would have been Al or Alex, but he was on a typical day, he would be my supervisor that would have checked me out in the morning.
2 3 Q. 4 5	He would you would open up all your doors and walk around the truck and check the inventory on it. During this part of the verifying, did the warehouse worker do anything with the handheld device that you had?	2 3 4 5 Q.	then, my other supervisor, it would have been Al or Alex, but he was on a typical day, he would be my supervisor that would have checked me out in the morning. Do you happen to remember Tony or Alex's last names?
2 3 Q. 4 5 6 A.	He would you would open up all your doors and walk around the truck and check the inventory on it. During this part of the verifying, did the warehouse worker do anything with the handheld device that you had? Yes, he would have to do it, what I would deem a check-in process, enter the inventory for each	2 3 4 5 Q. 6 A.	then, my other supervisor, it would have been Al or Alex, but he was on a typical day, he would be my supervisor that would have checked me out in the morning. Do you happen to remember Tony or Alex's last names? I do not remember their last names, unfortunately. Okay. And what did you do with your load sheet when
2 3 Q. 4 5 6 A. 7	He would you would open up all your doors and walk around the truck and check the inventory on it. During this part of the verifying, did the warehouse worker do anything with the handheld device that you had? Yes, he would have to do it, what I would deem a check-in process, enter the inventory for each particular product. Then after he was done with his	2 3 4 5 Q. 6 A. 7 Q.	then, my other supervisor, it would have been Al or Alex, but he was on a typical day, he would be my supervisor that would have checked me out in the morning. Do you happen to remember Tony or Alex's last names? I do not remember their last names, unfortunately. Okay. And what did you do with your load sheet when you were done with it?
2 3 Q. 4 5 6 A. 7 8	He would you would open up all your doors and walk around the truck and check the inventory on it. During this part of the verifying, did the warehouse worker do anything with the handheld device that you had? Yes, he would have to do it, what I would deem a check-in process, enter the inventory for each	2 3 4 5 Q. 6 A. 7 Q. 8 9 A.	then, my other supervisor, it would have been Al or Alex, but he was on a typical day, he would be my supervisor that would have checked me out in the morning. Do you happen to remember Tony or Alex's last names? I do not remember their last names, unfortunately. Okay. And what did you do with your load sheet when you were done with it? You would either give it right to Supervisor Tony, or
2 3 Q. 4 5 6 A. 7 8 9	He would you would open up all your doors and walk around the truck and check the inventory on it. During this part of the verifying, did the warehouse worker do anything with the handheld device that you had? Yes, he would have to do it, what I would deem a check-in process, enter the inventory for each particular product. Then after he was done with his process, a receipt would print out and he would initial.	2 3 4 5 Q. 6 A. 7 Q. 8 9 A.	then, my other supervisor, it would have been Al or Alex, but he was on a typical day, he would be my supervisor that would have checked me out in the morning. Do you happen to remember Tony or Alex's last names? I do not remember their last names, unfortunately. Okay. And what did you do with your load sheet when you were done with it? You would either give it right to Supervisor Tony, or you would put it in the basket right at his desk.
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2 3 Q. 4 5 6 A. 7 8 9 10 11 Q. 12 13 A.	He would you would open up all your doors and walk around the truck and check the inventory on it. During this part of the verifying, did the warehouse worker do anything with the handheld device that you had? Yes, he would have to do it, what I would deem a check-in process, enter the inventory for each particular product. Then after he was done with his process, a receipt would print out and he would initial. And then after receiving that receipt that he initialed, what did you do next? Then you that's at that point, you would get	2 3 4 5 Q. 6 A. 7 Q. 8 9 A. 10 11 Q. 12	then, my other supervisor, it would have been Al or Alex, but he was on a typical day, he would be my supervisor that would have checked me out in the morning. Do you happen to remember Tony or Alex's last names? I do not remember their last names, unfortunately. Okay. And what did you do with your load sheet when you were done with it? You would either give it right to Supervisor Tony, or you would put it in the basket right at his desk. Were you aware if the load sheets were ever scanned in on a scanner at any point? I believe they would if I'm not mistaken, they
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2 3 Q. 4 5 6 A. 7 8 9 10 11 Q. 12 13 A. 14	He would you would open up all your doors and walk around the truck and check the inventory on it. During this part of the verifying, did the warehouse worker do anything with the handheld device that you had? Yes, he would have to do it, what I would deem a check-in process, enter the inventory for each particular product. Then after he was done with his process, a receipt would print out and he would initial. And then after receiving that receipt that he initialed, what did you do next? Then you that's at that point, you would get back and then close up the truck, drive around and then park the truck and collect everything.	2 3 4 5 Q. 6 A. 7 Q. 8 9 A. 10 11 Q. 12 13 A. 14	then, my other supervisor, it would have been Al or Alex, but he was on a typical day, he would be my supervisor that would have checked me out in the morning. Do you happen to remember Tony or Alex's last names? I do not remember their last names, unfortunately. Okay. And what did you do with your load sheet when you were done with it? You would either give it right to Supervisor Tony, or you would put it in the basket right at his desk. Were you aware if the load sheets were ever scanned in on a scanner at any point? I believe they would if I'm not mistaken, they would take it to the scanner, and they would scan it back to the warehouse until they had the paperwork for
2 3 Q. 4 5 6 A. 7 8 9 10 11 Q. 12 13 A. 14 15 16 Q.	He would you would open up all your doors and walk around the truck and check the inventory on it. During this part of the verifying, did the warehouse worker do anything with the handheld device that you had? Yes, he would have to do it, what I would deem a check-in process, enter the inventory for each particular product. Then after he was done with his process, a receipt would print out and he would initial. And then after receiving that receipt that he initialed, what did you do next? Then you that's at that point, you would get back and then close up the truck, drive around and then park the truck and collect everything. Then after that, what did you do?	2 3 4 5 Q. 6 A. 7 Q. 8 9 A. 10 11 Q. 12 13 A. 14 15	then, my other supervisor, it would have been Al or Alex, but he was on a typical day, he would be my supervisor that would have checked me out in the morning. Do you happen to remember Tony or Alex's last names? I do not remember their last names, unfortunately. Okay. And what did you do with your load sheet when you were done with it? You would either give it right to Supervisor Tony, or you would put it in the basket right at his desk. Were you aware if the load sheets were ever scanned in on a scanner at any point? I believe they would if I'm not mistaken, they would take it to the scanner, and they would scan it back to the warehouse until they had the paperwork for the next day.
2 3 Q. 4 5 6 A. 7 8 9 10 11 Q. 12 13 A. 14 15 16 Q. 17 A.	He would you would open up all your doors and walk around the truck and check the inventory on it. During this part of the verifying, did the warehouse worker do anything with the handheld device that you had? Yes, he would have to do it, what I would deem a check-in process, enter the inventory for each particular product. Then after he was done with his process, a receipt would print out and he would initial. And then after receiving that receipt that he initialed, what did you do next? Then you that's at that point, you would get back and then close up the truck, drive around and then park the truck and collect everything. Then after that, what did you do? Then you would proceed to the office and then you	2 3 4 5 Q. 6 A. 7 Q. 8 9 A. 10 11 Q. 12 13 A. 14 15 16 17 Q.	then, my other supervisor, it would have been Al or Alex, but he was on a typical day, he would be my supervisor that would have checked me out in the morning. Do you happen to remember Tomy or Alex's last names? I do not remember their last names, unfortunately. Okay. And what did you do with your load sheet when you were done with it? You would either give it right to Supervisor Tony, or you would put it in the basket right at his desk. Were you aware if the load sheets were ever scanned in on a scanner at any point? I believe they would if I'm not mistaken, they would take it to the scanner, and they would scan it back to the warehouse until they had the paperwork for the next day. And who was they that would do the scanning?
2 3 Q. 4 5 6 A. 7 8 9 10 11 Q. 12 13 A. 14 15 16 Q. 17 A. 18	He would you would open up all your doors and walk around the truck and check the inventory on it. During this part of the verifying, did the warehouse worker do anything with the handheld device that you had? Yes, he would have to do it, what I would deem a check-in process, enter the inventory for each particular product. Then after he was done with his process, a receipt would print out and he would initial. And then after receiving that receipt that he initialed, what did you do next? Then you that's at that point, you would get back and then close up the truck, drive around and then park the truck and collect everything. Then after that, what did you do? Then you would proceed to the office and then you would take your handheld, put that and any cash you	2 3 4 5 Q. 6 A. 7 Q. 8 9 A. 10 11 Q. 12 13 A. 14 15 16 17 Q. 18 A.	then, my other supervisor, it would have been Al or Alex, but he was on a typical day, he would be my supervisor that would have checked me out in the morning. Do you happen to remember Tony or Alex's last names? I do not remember their last names, unfortunately. Okay. And what did you do with your load sheet when you were done with it? You would either give it right to Supervisor Tony, or you would put it in the basket right at his desk. Were you aware if the load sheets were ever scanned in on a scanner at any point? I believe they would if I'm not mistaken, they would take it to the scanner, and they would scan it back to the warehouse until they had the paperwork for the next day. And who was they that would do the scanning? Supervisor Tony or whoever. That would be my
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2 3 Q. 4 5 6 A. 7 8 9 10 11 Q. 12 13 A. 14 15 16 Q. 17 A. 18	He would you would open up all your doors and walk around the truck and check the inventory on it. During this part of the verifying, did the warehouse worker do anything with the handheld device that you had? Yes, he would have to do it, what I would deem a check-in process, enter the inventory for each particular product. Then after he was done with his process, a receipt would print out and he would initial. And then after receiving that receipt that he initialed, what did you do next? Then you that's at that point, you would get back and then close up the truck, drive around and then park the truck and collect everything. Then after that, what did you do? Then you would proceed to the office and then you would take your handheld, put that and any cash you may have acquired throughout the day and your receipts, and give it to who I believe was an	2 3 4 5 Q. 6 A. 7 Q. 8 9 A. 10 11 Q. 12 13 A. 14 15 16 17 Q. 18 A. 19 20 Q.	then, my other supervisor, it would have been Al or Alex, but he was on a typical day, he would be my supervisor that would have checked me out in the morning. Do you happen to remember Tony or Alex's last names? I do not remember their last names, unfortunately. Okay. And what did you do with your load sheet when you were done with it? You would either give it right to Supervisor Tony, or you would put it in the basket right at his desk. Were you aware if the load sheets were ever scanned in on a scanner at any point? I believe they would if I'm not mistaken, they would take it to the scanner, and they would scan it back to the warehouse until they had the paperwork for the next day. And who was they that would do the scanning? Supervisor Tony or whoever. That would be my supervisor, so Tony. I see. Okay. So I'm going to put up on the screen
2 3 Q. 4 5 6 A. 7 8 9 10 11 Q. 12 13 A. 14 15 16 Q. 17 A. 18 19 20 21	He would you would open up all your doors and walk around the truck and check the inventory on it. During this part of the verifying, did the warehouse worker do anything with the handheld device that you had? Yes, he would have to do it, what I would deem a check-in process, enter the inventory for each particular product. Then after he was done with his process, a receipt would print out and he would initial. And then after receiving that receipt that he initialed, what did you do next? Then you that's at that point, you would get back and then close up the truck, drive around and then park the truck and collect everything. Then after that, what did you do? Then you would proceed to the office and then you would take your handheld, put that and any cash you may have acquired throughout the day and your receipts, and give it to who I believe was an accounting individual.	2 3 4 5 Q. 6 A. 7 Q. 8 9 A. 10 11 Q. 12 13 A. 14 15 16 17 Q. 18 A. 19 20 Q. 21	then, my other supervisor, it would have been Al or Alex, but he was on a typical day, he would be my supervisor that would have checked me out in the morning. Do you happen to remember Tony or Alex's last names? I do not remember their last names, unfortunately. Okay. And what did you do with your load sheet when you were done with it? You would either give it right to Supervisor Tony, or you would put it in the basket right at his desk. Were you aware if the load sheets were ever scanned in on a scanner at any point? I believe they would if I'm not mistaken, they would take it to the scanner, and they would scan it back to the warehouse until they had the paperwork for the next day. And who was they that would do the scanning? Supervisor Tony or whoever. That would be my supervisor, so Tony. I see. Okay. So I'm going to put up on the screen here a document. I'm going to share it on the screen.
2 3 Q. 4 5 6 A. 7 8 9 10 11 Q. 12 13 A. 14 15 16 Q. 17 A. 18 19 20 21 22 Q.	He would you would open up all your doors and walk around the truck and check the inventory on it. During this part of the verifying, did the warehouse worker do anything with the handheld device that you had? Yes, he would have to do it, what I would deem a check-in process, enter the inventory for each particular product. Then after he was done with his process, a receipt would print out and he would initial. And then after receiving that receipt that he initialed, what did you do next? Then you that's at that point, you would get back and then close up the truck, drive around and then park the truck and collect everything. Then after that, what did you do? Then you would proceed to the office and then you would take your handheld, put that and any cash you may have acquired throughout the day and your receipts, and give it to who I believe was an accounting individual. Okay. And then did you do anything after that?	2 3 4 5 Q. 6 A. 7 Q. 8 9 A. 10 11 Q. 12 13 A. 14 15 16 17 Q. 18 A. 19 20 Q. 21	then, my other supervisor, it would have been Al or Alex, but he was on a typical day, he would be my supervisor that would have checked me out in the morning. Do you happen to remember Tony or Alex's last names? I do not remember their last names, unfortunately. Okay. And what did you do with your load sheet when you were done with it? You would either give it right to Supervisor Tony, or you would put it in the basket right at his desk. Were you aware if the load sheets were ever scanned in on a scanner at any point? I believe they would if I'm not mistaken, they would take it to the scanner, and they would scan it back to the warehouse until they had the paperwork for the next day. And who was they that would do the scanning? Supervisor Tony or whoever. That would be my supervisor, so Tony. I see. Okay. So I'm going to put up on the screen here a document. I'm going to share it on the screen. Hopefully, you will be able to see it clearly enough,
2 3 Q. 4 5 6 A. 7 8 9 10 11 Q. 12 13 A. 14 15 16 Q. 17 A. 18 19 20 21 22 Q. 23 A.	He would you would open up all your doors and walk around the truck and check the inventory on it. During this part of the verifying, did the warehouse worker do anything with the handheld device that you had? Yes, he would have to do it, what I would deem a check-in process, enter the inventory for each particular product. Then after he was done with his process, a receipt would print out and he would initial. And then after receiving that receipt that he initialed, what did you do next? Then you that's at that point, you would get back and then close up the truck, drive around and then park the truck and collect everything. Then after that, what did you do? Then you would proceed to the office and then you would take your handheld, put that and any cash you may have acquired throughout the day and your receipts, and give it to who I believe was an accounting individual. Okay. And then did you do anything after that? They would go through their process, collect all the	2 3 4 5 Q. 6 A. 7 Q. 8 9 A. 10 11 Q. 12 13 A. 14 15 16 17 Q. 18 A. 19 20 Q. 21 22	then, my other supervisor, it would have been Al or Alex, but he was on a typical day, he would be my supervisor that would have checked me out in the morning. Do you happen to remember Tony or Alex's last names? I do not remember their last names, unfortunately. Okay. And what did you do with your load sheet when you were done with it? You would either give it right to Supervisor Tony, or you would put it in the basket right at his desk. Were you aware if the load sheets were ever scanned in on a scanner at any point? I believe they would if I'm not mistaken, they would take it to the scanner, and they would scan it back to the warehouse until they had the paperwork for the next day. And who was they that would do the scanning? Supervisor Tony or whoever. That would be my supervisor, so Tony. I see. Okay. So I'm going to put up on the screen here a document. I'm going to share it on the screen. Hopefully, you will be able to see it clearly enough, and let me see if I can find it here. I'll put it so
2 3 Q. 4 5 6 A. 7 8 9 10 11 Q. 12 13 A. 14 15 16 Q. 17 A. 18 19 20 21 22 Q. 23 A. 24	He would you would open up all your doors and walk around the truck and check the inventory on it. During this part of the verifying, did the warehouse worker do anything with the handheld device that you had? Yes, he would have to do it, what I would deem a check-in process, enter the inventory for each particular product. Then after he was done with his process, a receipt would print out and he would initial. And then after receiving that receipt that he initialed, what did you do next? Then you that's at that point, you would get back and then close up the truck, drive around and then park the truck and collect everything. Then after that, what did you do? Then you would proceed to the office and then you would take your handheld, put that and any cash you may have acquired throughout the day and your receipts, and give it to who I believe was an accounting individual. Okay. And then did you do anything after that? They would go through their process, collect all the receipts, cash, give you your handheld and printer,	2 3 4 5 Q. 6 A. 7 Q. 8 9 A. 10 11 Q. 12 13 A. 14 15 16 17 Q. 18 A. 19 20 Q. 21 22 23 24	then, my other supervisor, it would have been Al or Alex, but he was on a typical day, he would be my supervisor that would have checked me out in the morning. Do you happen to remember Tony or Alex's last names? I do not remember their last names, unfortunately. Okay. And what did you do with your load sheet when you were done with it? You would either give it right to Supervisor Tony, or you would put it in the basket right at his desk. Were you aware if the load sheets were ever scanned in on a scanner at any point? I believe they would if I'm not mistaken, they would take it to the scanner, and they would scan it back to the warehouse until they had the paperwork for the next day. And who was they that would do the scanning? Supervisor Tony or whoever. That would be my supervisor, so Tony. I see. Okay. So I'm going to put up on the screen here a document. I'm going to share it on the screen. Hopefully, you will be able to see it clearly enough, and let me see if I can find it here. I'll put it so it's nice and big and visible and all right. I'm
2 3 Q. 4 5 6 A. 7 8 9 10 11 Q. 12 13 A. 14 15 16 Q. 17 A. 18 19 20 21 22 Q. 23 A.	He would you would open up all your doors and walk around the truck and check the inventory on it. During this part of the verifying, did the warehouse worker do anything with the handheld device that you had? Yes, he would have to do it, what I would deem a check-in process, enter the inventory for each particular product. Then after he was done with his process, a receipt would print out and he would initial. And then after receiving that receipt that he initialed, what did you do next? Then you that's at that point, you would get back and then close up the truck, drive around and then park the truck and collect everything. Then after that, what did you do? Then you would proceed to the office and then you would take your handheld, put that and any cash you may have acquired throughout the day and your receipts, and give it to who I believe was an accounting individual. Okay. And then did you do anything after that? They would go through their process, collect all the	2 3 4 5 Q. 6 A. 7 Q. 8 9 A. 10 11 Q. 12 13 A. 14 15 16 17 Q. 18 A. 19 20 Q. 21 22	then, my other supervisor, it would have been Al or Alex, but he was on a typical day, he would be my supervisor that would have checked me out in the morning. Do you happen to remember Tony or Alex's last names? I do not remember their last names, unfortunately. Okay. And what did you do with your load sheet when you were done with it? You would either give it right to Supervisor Tony, or you would put it in the basket right at his desk. Were you aware if the load sheets were ever scanned in on a scanner at any point? I believe they would if I'm not mistaken, they would take it to the scanner, and they would scan it back to the warehouse until they had the paperwork for the next day. And who was they that would do the scanning? Supervisor Tony or whoever. That would be my supervisor, so Tony. I see. Okay. So I'm going to put up on the screen here a document. I'm going to share it on the screen. Hopefully, you will be able to see it clearly enough, and let me see if I can find it here. I'll put it so

22 to 25

Page 22 1 something on the document, Mr. Sujkowski? I mean on 2 the screen there? 3 A. Yes. 4 Q. It says on top, it says page 1. Across the top, it 5 says daily truck load sheet, water, route downtown, 6 11047. Unfortunately, I do not have a Bates number on 7 this document. Have you seen this document before, 8 Mr. Sujkowski? 9 A. Yes. 10 Q. Okay. And what is it? 11 A. That is just a load sheet. It's standard, just giving 12 you how much of a certain quantity of a product you 13 wanted on your tuck and where you wanted it located on 14 your truck. 15 Q. I'm going to scroll down a little bit. Is this little 16 graphic on the bottom here, the left side, it says, 17 front, is that a graphic showing where on the truck it 18 would be? 19 A. Yes. 20 Q. And okay. And so there's a date on it that says 21 3/3/2022. What would that date signify? 22 A. That date should signify the next day's route, if I'm 23 not mistaken. 24 Q. Okay. 25 A. The day of the route, yeah. 27 In GNAUNCS. In the says and so there yeah. 28 In CANNEYS. In the says and so there yeah. 29 A. The day of the route, yeah. 20 A. The day of the route, yeah. 20 A. The day of the route, yeah. 21 All of them were standard products and your standard. The says are standard products and your standard. The particular truckloant that that that that particular truckloant	for that following yes. You only have ruck. s there, you can revio one of them say DIS 3 is 600, 400, DIS 5 products about the say were typical or any given day? on, vague, but you can
the screen there? 3 A. Yes. 4 Q. It says on top, it says page 1. Across the top, it says daily truck load sheet, water, route downtown, 11047. Unfortunately, I do not have a Bates number on this document. Have you seen this document before, Mr. Sujkowski? 9 A. Yes. 10 Q. Okay. And what is it? 11 A. That is just a load sheet. It's standard, just giving you how much of a certain quantity of a product you wanted on your truck. 15 Q. I'm going to scroll down a little bit. Is this little graphic on the bottom here, the left side, it says, front, is that a graphic showing where on the truck it would be? 19 A. Yes. 20 Q. And okay. And so there's a date on it that says of mot mistaken. 21 Chay and so there's a date on it that says of mot mistaken. 22 That particular type of product for day? 4 A. For that particular truckload, yes that one product going on the truck it them, could you say if which on typical for you to take? 4 A. For that particular truckload, yes that one product going on the truck it them, could you say if which on typical for you to take? 9 A. I'm sorry. For the? 10 Q. List of documents. I believe some gallon, and its product number is gallon, and its product number is gallon. Do you see the list of preducts in didle of the page on the left? 12 you how much of a certain quantity of a product you indide of the page on the left? 13 middle of the page on the left? 14 A. Yes. 15 Q. Which of these products can you see the list of preducts in the product in the	for that following yes. You only have ruck. s there, you can revio one of them say DIS 3 is 600, 400, DIS 5 products about the say were typical or any given day? on, vague, but you can
3 A. Yes. 4 Q. It says on top, it says page 1. Across the top, it 5 says daily truck load sheet, water, route downtown, 6 11047. Unfortunately, I do not have a Bates number on 7 this document. Have you seen this document before, 8 Mr. Sujkowski? 9 A. Yes. 10 Q. Okay. And what is it? 11 A. That is just a load sheet. It's standard, just giving 12 you how much of a certain quantity of a product you 13 wanted on your tuck and where you wanted it located on 14 your truck. 15 Q. I'm going to scroll down a little bit. Is this little 16 graphic on the bottom here, the left side, it says, 17 front, is that a graphic showing where on the truck it 18 would be? 19 A. Yes. 20 Q. And okay. And so there's a date on it that says 21 3/3/2022. What would that date signify? 22 A. That date should signify the next day's route, if I'm 23 not mistaken. 24 Q. Okay. 25 A. The day of the route, yeah. Page 23	yes. You only have ruck. s there, you can revie ones were or were not one of them say DIS 3 is 600, 400, DIS 5 products about the a say were typical or any given day? on, vague, but you can
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9 A. Yes. 10 Q. Okay. And what is it? 11 A. That is just a load sheet. It's standard, just giving you how much of a certain quantity of a product you wanted on your tuck and where you wanted it located on your truck. 15 Q. I'm going to scroll down a little bit. Is this little graphic on the bottom here, the left side, it says, front, is that a graphic showing where on the truck it would be? 18 would be? 19 A. I'm sorry. For the? 10 Q. List of documents. I believe some gallon, and its product number is gallon. Do you see the list of product of the page on the left? 14 A. Yes. 15 Q. Which of these products can you say not typical for you to take on any front, is that a graphic showing where on the truck it would be? 18 MR. FRISCH: Objection, and it sproduct number is product to take on any middle of the page on the left? 14 A. Yes. 15 Q. Which of these products can you say not typical for you to take on any answer. 17 A. All of them 18 MR. FRISCH: Objection, and its product number is product to the page on the left? 19 A. Yes. 10 Q. Which of these products can you say not typical for you to take on any answer. 10 Q. Which of these products can you say not typical for you to take on any answer. 10 Q. Which of these products can you say not typical for you to take on any answer. 11 A. All of them 12 BY MR. CUMMINGS: 22 BY MR. CUMMINGS: 23 Q. Okay. All right. I will stop shad the moment. And, Mr. Sujkowski, it determined or calculated that you determined or calculated that you	is 600, 400, DIS 5 products about the say were typical or any given day? on, vague, but you can
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18 would be? 19 A. Yes. 20 Q. And okay. And so there's a date on it that says 21 3/3/2022. What would that date signify? 22 A. That date should signify the next day's route, if I'm 23 not mistaken. 24 Q. Okay. 25 A. The day of the route, yeah. 18 MR. FRISCH: Objection, 19 answer. 20 A. All of them were standard products 21 all of them, and I would typically 22 BY MR. CLAMINGS: 23 Q. Okay. All right. I will stop shate the moment. And, Mr. Sujkowski, he determined or calculated that you	
18 would be? 19 A. Yes. 20 Q. And okay. And so there's a date on it that says 21 3/3/2022. What would that date signify? 22 A. That date should signify the next day's route, if I'm 23 not mistaken. 24 Q. Okay. 25 A. The day of the route, yeah. 18 MR. FRISCH: Objection, 19 answer. 20 A. All of them were standard products 21 all of them, and I would typically 22 BY MR. CLAMINGS: 23 Q. Okay. All right. I will stop shate the moment. And, Mr. Sujkowski, he determined or calculated that you	
19 A. Yes. 20 Q. And okay. And so there's a date on it that says 21 3/3/2022. What would that date signify? 22 A. That date should signify the next day's route, if I'm 23 not mistaken. 24 Q. Okay. 25 A. The day of the route, yeah. 19 answer. 20 A. All of them were standard products 21 all of them, and I would typically 22 BY MR. CUMMINGS: 23 Q. Okay. All right. I will stop sha 24 Q. Okay. 25 determined or calculated that you	
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23 Q. Okay. All right. I will stop sha 24 Q. Okay. 25 A. The day of the route, yeah. 23 Q. Okay. All right. I will stop sha 24 the moment. And, Mr. Sujkowski, k 25 determined or calculated that you Page 23	ily deliver diam, jeb
24 Q. Okay. 25 A. The day of the route, yeah. 24 the moment. And, Mr. Sujkowski, he determined or calculated that you Page 23	charing the serees at
25 A. The day of the route, yeah. 25 determined or calculated that you Page 23	-
Page 23	
	Page
1 MR. CLAMMINGS: And so I'm going to 1 Absopure?	
2 designate this as Exhibit 1, and I will forward it 2 A. We received a daily rate, and if o	
3 around right after the deposition. So, first, we just 3 exceeded that daily rate, then we	we would earn money o
4 got ahold of this document, and we will forward it. 4 commission.	
5 We will Bates number it and send it around, hopefully, 5 Q. And do you know how the commission	ion was calculated?
6 if not by the end of the day, first thing tomorrow. I 6 A. It was based on a percentage of ho	how much product we
7 have a couple more of these. I will 7 delivered.	
8 MR. FRISCH: Note our continuing objection 8 Q. I'm going to put another document	nt on the screen for
9 to the use of documents that were not produced 9 you shortly, and give me a minute.	te. I will try to fi
10 previously in discovery. Discovery has closed, and I 10 a relatively clear example of one	ne. I am putting on
11 don't think this is proper. We're being sandbagged 11 the screen a page of a document.	
12 with documents. This is kind of like a moving target 12 in particular bears Bates numbers	• •
	. The whole document
in this whole case, and we object to the use of these 13 This particular page, I will scroll	The whole document ers 5044 through 5095.
in this whole case, and we object to the use of these 13 This particular page, I will scrol undisclosed documents both in the deposition and at 14 Bates number 5067. And, Mr. Sujke	The whole document ers 5044 through 5095. croll down. It has th
	The whole document ers 5044 through 5095. croll down. It has th
14 undisclosed documents both in the deposition and at 14 Bates number 5067. And, Mr. Sujko	The whole document ers 5044 through 5095. croll down. It has th
undisclosed documents both in the deposition and at any point beyond in this case. 14 Bates number 5067. And, Mr. Sujke this document? 15 this document? 16 MR. CUMMINGS: Understood. 16 A. Yes, I can.	rs 5044 through 5095. croll down. It has the
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8/6/2021.

case, it looks like you have only one with a number

1 Q.	Page 26 Okay. And I don't know if you can see it. It's a	1	Page 28 be the sum total of the sales at 8 percent and sales
2	little bit dark. The column can you see the column	2	at 16 percent?
3	heading in the gray? I think it's name is the first	3	MR. FRISCH: Objection, vague.
4	column on the left and date, and then sales,	4	MR. CUMMINGS: I'm sorry. I'm not sure
5	parentheses, 8 percent. Can you see those column	5	that that was clear.
6	headings on your version?	6	MR. FRISCH: I said my objection was
7 A.	Yes, I can.	7	vague.
8 Q.	And the third column from the left, it says 8 sales	8	MR. CUMMINGS: Okay. It just broke up.
9	in parentheses, 8 percent. What does that refer to,	9 BY	MR. CUNMINGS:
10	or what does that mean that's in the column?	10 Q.	Now, I want to go to let's see. The total, it
11 A.	The amount of sales made from the product I delivered.	11	says, total prod COM column. What is your
12 Q.	So that would be would that be the total sale	12	understanding of that column?
13	prices of the products you delivered on that day if	13 A.	That is the total product commission that was earned
14	you were to add them up?	14	based on what was delivered.
15 A.	Yes.	15 Q.	And that would be what the total product commission
16 Q.	Okay. And it says the next column says units, 8	16	that you would have earned on each one of those days,
17	percent. And what does that refer to?	17	correct?
18 A.	The total quantity delivered of the product.	18 A.	To my understanding, that is correct.
19 Q.	And the quote end quote it says, the next column	19 Q.	And what does the EQ column represent?
20	I believe it's now we're talking the fifth from	20 A.	That, I am unsure of. So that, I'm that column,
21	left, it says, COM, 8 percent. What does that column	21	I'm unsure of.
22	refer to?	22 0.	Okay. And this particular sheet has two columns that
23 A.	The commission earned.	23	just have dashes in them. It says, unit bonus and EQ
24 Q.	I see. And, now, going on the same three columns	24	bonus. Do you know what those are?
25	now, do you understand how that column, 8 percent	25 A.	No, I do not know what those would be pertaining to.
	· · · · · · · · · · · · · · · · · · ·		
1	Page 27 it says column with the 8 percent, was calculated?	10.	Page 29 Now, the second column from the right says base on
2 A.	Yes.	2	top. What does that refer to?
3 Q.	How was that calculated?	3 A.	That would be our base pay, our daily rate.
4 A.	It is 8 percent of the third column from the left.	4 Q.	Okay. And the column on the far right, it says total
5 Q.	The column that says sales, 8 percent, correct?	5	COM. What does that represent?
6 A.	That is my understanding, yes.	6 A.	That was total commission for products that were
7 Q.	And then there's three columns that go sales, 16	7	delivered.
8	percent and units, 16 percent and COMs, 16 percent.	8 Q.	And by total commission let me see here. Let me
9	Are those similar is the sales, 16 percent,	9	get my columns correctly. So by total commission, is
10	total a list of total sales of certain products for	10	it correct to say that's an amount that was above the
11	each day?	11	amount that's in the column on the it's the first
12 A.	Yes.	12	column second column from the right that says base?
13 Q.	And then the same with the units? It's a certain	13 A.	Yes, that was the amount that exceeded the \$120 daily
14	number of certain number of units for each product	14	rate.
15	every day?	15 Q.	And if you don't mind, I'm going to scroll down. I'm
16 A.	Yes, it's the same with the 16 percent columns.	16	looking at, I'm thinking of one of these. Let me see
17	That's how much was the sales price; if that was	17	if I can find something here. I'm going to I'm on
18	delivered, how many units were delivered, and the	18	another page now. I'm on Bates number 5064, and I
19	commission earned that was delivered.	19	would ask you to take a minute to look at the column,
20 Q.	And just a shortcut. So does the column that says	20	particularly the columns in them, and take as long as
21	COM, 16 percent represent a 16 percent of the column	21	you need to take to see if that would be the same
22	that says sales, 16 percent? Would that be correct?	22	answers that you gave me for the meaning of those
23 A.	That would be my understanding, yes.	23	columns and the numbers in them that you gave me
24 Q.	And total sales I'm not going to ask you to do the	24	previously. If there's any exceptions or something
25	math per se, but is your understanding would that	25	you don't understand in that, please let me know, and
1		1	

30 to 33

	July 00	, 4	2023 30 to 33
	Page 30		Page 32
1	take as long as you need. I'm in no hurry here.	1	looking at the top, it looks at the pay period from
2 A.	From what I'm reading, everything agrees with what was	2	it says about the second set of columns rows down,
3	presented on the other slip.	3	pay period, 11/15/21 to 11/28/21. The particular
4 Q.	And I'm going to ask you to focus on the far right	4	Bates number of this one is 003154, and these this
5	column where it says, total COM again. And on the	5	is a group of Mr. Sujkowski's pay stubs that were
6	second line item down, there is a dash there. What	6	produced in the I believe I have the I am
7	does that dash there mean?	7	looking for the range here, from 3031 to 3057. And as
8 A.	There was no additional commission earned above the	8	I mentioned off the record, we can supply this one as
9	\$120 daily rate.	9	an exhibit this one page as an exhibit, and we will
10 Q.	So if I go over on that same line, five columns to the	10	redact all the personal information out of it. So I
11	left, under the it says total prod COM. Where it	11	would like to turn your attention to what is about
12	says 99.72, what is that 99.72 number?	12	25 you know, a quarter of the way down. There's a
13 A.	That would be total product commission earned.	13	box on the left, more less on the left side that
14 Q.	And is it correct to say that for that day on your	14	and there's a narrow column. It says earnings. Under
15	route, you would have received for that day, you	15	that, there's a description, hours, day, current, and
16	would have been paid the base rate and only the base	16	YTD. Under that, there's a series of numbers with
17	rate for that day; is that correct?	17	next on the rows, regular vacation and HS
18 A.	That is correct, yes.	18	commission and HSER payment. Mr. Sujkowski, do you
19 Q.	And then to confirm, for the other columns on the	19	see what I'm referring to there?
20	right, you would have received on the days	20 A	-
21	representing the other days of that week, you would	21 Q	. And there's a row that says regular and current hours,
22	have received the base plus the far right column	22	slash, days, current. And do you know what the
23	where it says total COM; is that correct?	23	numbers in that row refer to?
24 A.	Yes, that is correct.	24 A	. Let's see. Are you referring to the regular and then
25 Q.	Okay. Did anyone, at any point, explain this way of	25	the hours
1	Page 31 calculating your payment to you?	1 Q	Page 33 . No, just the regular. We will go down columns, but
2 A.	That, I cannot recall. I'm sure it was went over at	2	some I think might be but there's a regular, and it
3	our orientation, but I kind of I figured out the	3	says 9.0.
4	structure on my own from these slips.	4 A	
5 Q.	And the slips, when did you do you recall when or	5 Q	
6	how often you received these slips?	6 A	
7 A.	They were mailed to us.	7 Q	• • •
8 Q.	Okay. How often were they mailed to you?	8	number 1260 number that refers to under the current
9 A.	We would have received them every week.	9	column?
10 Q.	Okay. Now, I'm going to find another document.	10	MR. FRISCH: If you know.
11	Please bear with me a minute to make sure I get the	11	THE WITNESS: I'm sorry?
12	right one. Unfortunately, my particular copies I have	1	Y MR. CUMMINGS:
13	here are not searchable, so you will have to bear with	13 Q	
14	me just a minute while I scroll through things.	14	current column, the one that says
15	Rather than take up more time, I will just I'm	15 A	
16	going to be putting up your pay statement, and I	16 Q	
17	wanted to see I thought I had that one for that	17	trying to put words in your mouth, the base rate you
18	particular week that we looked that up, but I will	18	would have received for those nine days?
19		19 A	-
20	find another pay statement that we can use. I'm going to share the screen here. Just a minute. So I'm	20 Q	, J
20 21		20 Q	would come out to \$140 per day. Did you have did
21 22	putting up a document. Can you see a document on the	21 22	you have differing varying numbers of base rates
22 23 A.	screen now, Mr. Sujkowski? Yes.	23	during the time that you worked at Absopure? Because
		24	
24 Q.	And I'm going to state for the record, this is an	24	we saw an earlier one that says 120 per day, and I am

25

looking at one here that says -- it looks like it's

25

unredacted and confidential pay statement. And

34 to 37

			J4 t0 37
	Page 34		Page 36
1	numbers, I will just represent, 140 a day. I want to	1 A.	Are you speaking from the moment that we that the
2	see if your recollection if you, at one point, had a	2	check-in was with the warehouse employee?
3	base rate of 140 per day.	3 Q.	Yes, from that moment, when you would have (inaudible)
4 A.	Yes, during the later term time during I was there,	4	the receipt, I recall.
5	they raised the daily rate from 120 to 140.	5 A.	Yes, I would say from that moment, that time frame, on
6 Q.	And so skipping down ahead to holiday, would it be	6	a standard day, 20 to 30 minutes.
7	correct to say that the 2.0 and the 280 next to it,	7 Q.	I see. Were there longer or shorter times than that?
В	would it be correct to say that that means you had two	8 A.	If there were nothing shorter. Standard would be
9	holidays you were paid for and at \$140 per day?	9	20 to 30 minutes. If there was any longer, I don't
10 A.	Yes.	10	recall.
11 Q.	Okay. And the fifth row down there says commission,	11 Q.	Was there any other occasional you gave me a list
12	and going over it, it says 849.66. What does that	12	of things that you typically did from those during
13	number represent?	13	that time period, from the check-in with the warehouse
14 A.	To my understanding, that would be the amount,	14	person until the time you left. Were there any other
15	commission earned during that pay period.	15	kind of activities that might come up that you can
16 Q.	And would that be the would it be, to your	16	recall that would take longer that weren't typical but
17	understanding, the commission that you were paid over	17	came up occasionally?
18	and above whatever the base rate was for those days?	18 A.	Nothing that I can recall, no.
19 A.	Yes.	19 Q.	Okay. And give me a minute. I'm going to put another
20 Q.	Okay. And if I understand, this covers a period of	20	document in front of you, and I will put it on the
21	two weeks; is that correct?	21	screen here. For the record, this is a document
22 A.	Yes.	22	bearing Bates numbers 0177 through 0208. On the
23 0.	Now, unfortunately, I couldn't get my hands on them	23	screen currently, we're showing that the first page of
24	right away, and if this question doesn't make sense,	24	it was 0177. Mr. Sujkowski, do you see that, the
25	that's fine. But if I were to go if I recall the	25	document?
	Page 35		Page 37
1	commission of the statements about commission that	1 A.	Yes.
2	we looked at previously, were at one a week basis. Do	2 Q.	Do you recognize this document?
3	you recall that?	3 A.	I that appears to be the handbook that would have
4 A.	I'm sorry. You cut out on my screen.	4	been given out.
5 Q.	I'm sorry. Never mind. I said so would you have	5 Q.	Okay. I'm going to scroll through it for you, and
6	received I'm going to ask the question. For that	6	I'll do it at a moderate pace. If you want me to stop
7	person's commission for the dates of the	7	or want to look at anything more closely, let me know,
8	commission, I will call them commission numbers, and	8	and to see so you can see the pages. And I'm not
9	the other regular and numbers, would you have received	9	going to stop any longer on one particular area just
10	a piece of paper with those same commission columns	10	yet. And I'll scroll at about this pace all the way
11	that we looked at previously? Would you have received	11	through. I think it should take me no more than 35
12	those that should add up to these numbers? Is that	12	seconds to finish this just for completion sake. I'm
13	your understanding?	13	going to what I'm going to ask you when I get to
14 A.	That is how I would understand it, yes.	14	the bottom is, did you ever read through this document
15 Q.	Okay. All right. That's good enough for here. And	15	that you recall?
16	I'm going to show you do you know what? So I think	16 A.	Not that I can recall.
17	I may have forgotten to ask you questions about your	17 Q.	But do you recall at least seeing the cover sheet to
18	daily routine. I wanted to get back to that. At the	18	the document?
19	end of the day when you brought your truck back to the	19 A.	I can't recall that, as well.
20	facility, I want to ask you, if you can recall, from	20 Q.	Do you recall if anyone ever mentioned the document
21	the time that you confirmed your inventory with the	21	this document to you?
22	warehouse personnel when you brought your truck back	22 A.	Not that I can recall. It would have been if it
23	on the handheld until the time you finished for the	23	would have been, it would have been when we started,
1			
24	day, do you have a recollection of how long that	24	but I don't recall.

25 Q. And then I'm going to -- we'll put that up. I'll just

25

typically took?

	Page 38	,	Page 40
1	mark this as the next exhibit. I think we're up to 3.	1	having or not having a Commercial Driver's License
2	If somehow I've missed something, we will mark it	2	meant for your position at Absopure?
3	accordingly later. And the next document here, give	3	MR. FRISCH: Objection, vague.
4	me a minute. We will stop this for just a second. I	4	You can answer if you understand what he's
5	will try to quickly get another document up for you.	5	asking.
6	Okay. And okay. I will now share it. I have put	6 A.	I did not understand I didn't understand the
7	on the screen a document. At the top, it says,	7	difference between having it and not having it, no.
8	verification and consent, agreement and	8 BY M	R. CUMMINGS:
9	acknowledgement. The particular document bears the	9 Q.	When you first began at Absopure, did you spend
10	Bates stamps number 2025. And, Mr. Sujkowski, I'll	10	anytime driving with another person when you began?
11	ask you, do you recognize this document?	11 A.	Yes.
12 A.	I recognize it as an acknowledgement with my	12 Q.	And what was that? How often and who, if you recall?
13	signature.	13 A.	I spent one week with one driver and then the next
14 Q.	And that is your signature on it?	14	three days and the next week with another driver.
15 A.	Yes.	15 Q.	Do you recall who those drivers were?
16 Q.	Okay. And I'll read the first part, the first	16 A.	The first driver's name was Andrew Mumford, and the
17	paragraph. It says, understand that my associate	17	second driver was Ron Calhoun. I believe that was his
18	handbook outlines my privileges and benefits as well	18	last name.
19	as my responsibilities and obligations as an associate	19 Q.	And you had mentioned previously that you had a
20	of Absopure Water Company. Do you recall having read	20	supervisor by the name of Tony. Do you recall his
21	that?	21	last name?
22 A.	I can't I'm sure they asked me to read it. I can't	22 A.	I do not, no.
23	recall if I read it or not or if I skimmed it. I	23 Q.	If I said the name Tony Freeze, would that or
24	cannot recall.	24	Freeze, would that refresh your recollection?
25 Q.	Do you recall whether or not you signed this document	25 A.	Not that sounds right, but not entirely.
1	Page 39 sometime at the beginning of your employment at	10.	Page 41 Okay. And you mentioned another manager by the name
1 2	sometime at the beginning of your employment at	1 Q.	Okay. And you mentioned another manager by the name
2	sometime at the beginning of your employment at Absopure?	_	Okay. And you mentioned another manager by the name of Alex. Do you recall that person's last name?
2 3 A.	sometime at the beginning of your employment at Absopure? Since I would agree to that because that is my	2 3 A.	Okay. And you mentioned another manager by the name of Alex. Do you recall that person's last name? I do not, no.
2 3 A. 4	sometime at the beginning of your employment at Absopure? Since I would agree to that because that is my signature.	2	Okay. And you mentioned another manager by the name of Alex. Do you recall that person's last name? I do not, no. If I said the name Alex Mecks (phonetic), would that
2 3 A. 4 5 Q.	sometime at the beginning of your employment at Absopure? Since I would agree to that because that is my signature. I see. And that is the date on the bottom is	2 3 A. 4 Q. 5	Okay. And you mentioned another manager by the name of Alex. Do you recall that person's last name? I do not, no. If I said the name Alex Mecks (phonetic), would that refresh your memory as to who that Alex was?
2 3 A. 4 5 Q. 6	Sometime at the beginning of your employment at Absopure? Since I would agree to that because that is my signature. I see. And that is the date on the bottom is by any chance, do you recognize whether or not that	2 3 A. 4 Q. 5 6 A.	Okay. And you mentioned another manager by the name of Alex. Do you recall that person's last name? I do not, no. If I said the name Alex Mecks (phonetic), would that refresh your memory as to who that Alex was? That sounds correct, yes.
2 3 A. 4 5 Q. 6 7	Absopure? Since I would agree to that because that is my signature. I see. And that is the date on the bottom is by any chance, do you recognize whether or not that date that's written in there, 2/1/21, is that your	2 3 A. 4 Q. 5 6 A. 7 Q.	Okay. And you mentioned another manager by the name of Alex. Do you recall that person's last name? I do not, no. If I said the name Alex Mecks (phonetic), would that refresh your memory as to who that Alex was? That sounds correct, yes. Can you recall the names of any other supervisors or
2 3 A. 4 5 Q. 6 7	sometime at the beginning of your employment at Absopure? Since I would agree to that because that is my signature. I see. And that is the date on the bottom is by any chance, do you recognize whether or not that date that's written in there, 2/1/21, is that your handwriting?	2 3 A. 4 Q. 5 6 A. 7 Q. 8	Okay. And you mentioned another manager by the name of Alex. Do you recall that person's last name? I do not, no. If I said the name Alex Mecks (phonetic), would that refresh your memory as to who that Alex was? That sounds correct, yes. Can you recall the names of any other supervisors or managers that you worked with?
2 3 A. 4 5 Q. 6 7 8 9 A.	sometime at the beginning of your employment at Absopure? Since I would agree to that because that is my signature. I see. And that is the date on the bottom is by any chance, do you recognize whether or not that date that's written in there, 2/1/21, is that your handwriting? Yes.	2 3 A. 4 Q. 5 6 A. 7 Q. 8 9 A.	Okay. And you mentioned another manager by the name of Alex. Do you recall that person's last name? I do not, no. If I said the name Alex Mecks (phonetic), would that refresh your memory as to who that Alex was? That sounds correct, yes. Can you recall the names of any other supervisors or managers that you worked with? Not that I can recall, no.
2 3 A. 4 5 Q. 6 7 8 9 A.	sometime at the beginning of your employment at Absopure? Since I would agree to that because that is my signature. I see. And that is the date on the bottom is by any chance, do you recognize whether or not that date that's written in there, 2/1/21, is that your handwriting? Yes. MR. CLMMINGS: Okay. I think I'm probably	2 3 A. 4 Q. 5 6 A. 7 Q. 8 9 A. 10 Q.	Okay. And you mentioned another manager by the name of Alex. Do you recall that person's last name? I do not, no. If I said the name Alex Mecks (phonetic), would that refresh your memory as to who that Alex was? That sounds correct, yes. Can you recall the names of any other supervisors or managers that you worked with? Not that I can recall, no. Can you recall any of the names of the people you
2 3 A. 4 5 Q. 6 7 8 9 A. 10	sometime at the beginning of your employment at Absopure? Since I would agree to that because that is my signature. I see. And that is the date on the bottom is by any chance, do you recognize whether or not that date that's written in there, 2/1/21, is that your handwriting? Yes. MR. CUMMINGS: Okay. I think I'm probably done with my questions. If it's okay with everybody	2 3 A. 4 Q. 5 6 A. 7 Q. 8 9 A. 10 Q.	Okay. And you mentioned another manager by the name of Alex. Do you recall that person's last name? I do not, no. If I said the name Alex Mecks (phonetic), would that refresh your memory as to who that Alex was? That sounds correct, yes. Can you recall the names of any other supervisors or managers that you worked with? Not that I can recall, no. Can you recall any of the names of the people you would have dealt with handing in your paperwork to, or
2 3 A. 4 5 Q. 6 7 8 9 A. 10	sometime at the beginning of your employment at Absopure? Since I would agree to that because that is my signature. I see. And that is the date on the bottom is by any chance, do you recognize whether or not that date that's written in there, 2/1/21, is that your handwriting? Yes. MR. CUMMINGS: Okay. I think I'm probably done with my questions. If it's okay with everybody else, I thought I might take just a very short break.	2 3 A. 4 Q. 5 6 A. 7 Q. 8 9 A. 10 Q. 11	Okay. And you mentioned another manager by the name of Alex. Do you recall that person's last name? I do not, no. If I said the name Alex Mecks (phonetic), would that refresh your memory as to who that Alex was? That sounds correct, yes. Can you recall the names of any other supervisors or managers that you worked with? Not that I can recall, no. Can you recall any of the names of the people you would have dealt with handing in your paperwork to, or your handheld to, at the end of the day?
2 3 A. 4 5 Q. 6 7 8 9 A. 10 11 12	sometime at the beginning of your employment at Absopure? Since I would agree to that because that is my signature. I see. And that is the date on the bottom is by any chance, do you recognize whether or not that date that's written in there, 2/1/21, is that your handwriting? Yes. MR. CUMMINGS: Okay. I think I'm probably done with my questions. If it's okay with everybody else, I thought I might take just a very short break. I may have one or two more questions, and then Mr.	2 3 A. 4 Q. 5 6 A. 7 Q. 8 9 A. 10 Q. 11 12	Okay. And you mentioned another manager by the name of Alex. Do you recall that person's last name? I do not, no. If I said the name Alex Mecks (phonetic), would that refresh your memory as to who that Alex was? That sounds correct, yes. Can you recall the names of any other supervisors or managers that you worked with? Not that I can recall, no. Can you recall any of the names of the people you would have dealt with handing in your paperwork to, or your handheld to, at the end of the day? I cannot recall their names, no.
2 3 A. 4 5 Q. 6 7 8 9 A. 10 11 12 13	sometime at the beginning of your employment at Absopure? Since I would agree to that because that is my signature. I see. And that is the date on the bottom is by any chance, do you recognize whether or not that date that's written in there, 2/1/21, is that your handwriting? Yes. MR. CUMMINGS: Okay. I think I'm probably done with my questions. If it's okay with everybody else, I thought I might take just a very short break. I may have one or two more questions, and then Mr. Frisch might have some questions. Is that okay with	2 3 A. 4 Q. 5 6 A. 7 Q. 8 9 A. 10 Q. 11 12 13 A. 14 Q.	Okay. And you mentioned another manager by the name of Alex. Do you recall that person's last name? I do not, no. If I said the name Alex Mecks (phonetic), would that refresh your memory as to who that Alex was? That sounds correct, yes. Can you recall the names of any other supervisors or managers that you worked with? Not that I can recall, no. Can you recall any of the names of the people you would have dealt with handing in your paperwork to, or your handheld to, at the end of the day? I cannot recall their names, no. Okay. Now, you had mentioned for me some typical
2 3 A. 4 5 Q. 6 7 8 9 A. 10 11 12 13 14	sometime at the beginning of your employment at Absopure? Since I would agree to that because that is my signature. I see. And that is the date on the bottom is by any chance, do you recognize whether or not that date that's written in there, 2/1/21, is that your handwriting? Yes. MR. CUMMINGS: Okay. I think I'm probably done with my questions. If it's okay with everybody else, I thought I might take just a very short break. I may have one or two more questions, and then Mr. Frisch might have some questions. Is that okay with everybody?	2 3 A. 4 Q. 5 6 A. 7 Q. 8 9 A. 10 Q. 11 12 13 A. 14 Q. 15	Okay. And you mentioned another manager by the name of Alex. Do you recall that person's last name? I do not, no. If I said the name Alex Mecks (phonetic), would that refresh your memory as to who that Alex was? That sounds correct, yes. Can you recall the names of any other supervisors or managers that you worked with? Not that I can recall, no. Can you recall any of the names of the people you would have dealt with handing in your paperwork to, or your handheld to, at the end of the day? I cannot recall their names, no. Okay. Now, you had mentioned for me some typical times that you spent at the beginning of the day
2 3 A. 4 5 Q. 6 7 8 9 A. 10 11 12 13 14 15	sometime at the beginning of your employment at Absopure? Since I would agree to that because that is my signature. I see. And that is the date on the bottom is by any chance, do you recognize whether or not that date that's written in there, 2/1/21, is that your handwriting? Yes. MR. CUMMINGS: Okay. I think I'm probably done with my questions. If it's okay with everybody else, I thought I might take just a very short break. I may have one or two more questions, and then Mr. Frisch might have some questions. Is that okay with everybody? MR. FRISCH: Yes.	2 3 A. 4 Q. 5 6 A. 7 Q. 8 9 A. 10 Q. 11 12 13 A. 14 Q. 15	Okay. And you mentioned another manager by the name of Alex. Do you recall that person's last name? I do not, no. If I said the name Alex Mecks (phonetic), would that refresh your memory as to who that Alex was? That sounds correct, yes. Can you recall the names of any other supervisors or managers that you worked with? Not that I can recall, no. Can you recall any of the names of the people you would have dealt with handing in your paperwork to, or your handheld to, at the end of the day? I cannot recall their names, no. Okay. Now, you had mentioned for me some typical times that you spent at the beginning of the day between the time you arrived and the time that you
2 3 A. 4 5 Q. 6 7 8 9 A. 10 11 12 13 14 15 16 17	sometime at the beginning of your employment at Absopure? Since I would agree to that because that is my signature. I see. And that is the date on the bottom is by any chance, do you recognize whether or not that date that's written in there, 2/1/21, is that your handwriting? Yes. MR. CUMMINGS: Okay. I think I'm probably done with my questions. If it's okay with everybody else, I thought I might take just a very short break. I may have one or two more questions, and then Mr. Frisch might have some questions. Is that okay with everybody? MR. FRISCH: Yes. MR. CUMMINGS: We'll take just a short	2 3 A. 4 Q. 5 6 A. 7 Q. 8 9 A. 10 Q. 11 12 13 A. 14 Q. 15 16	Okay. And you mentioned another manager by the name of Alex. Do you recall that person's last name? I do not, no. If I said the name Alex Mecks (phonetic), would that refresh your memory as to who that Alex was? That sounds correct, yes. Can you recall the names of any other supervisors or managers that you worked with? Not that I can recall, no. Can you recall any of the names of the people you would have dealt with handing in your paperwork to, or your handheld to, at the end of the day? I cannot recall their names, no. Okay. Now, you had mentioned for me some typical times that you spent at the beginning of the day between the time you arrived and the time that you left with the truck for the day and also the other
2 3 A. 4 5 Q. 6 7 8 9 A. 10 11 12 13 14 15 16 17 18	sometime at the beginning of your employment at Absopure? Since I would agree to that because that is my signature. I see. And that is the date on the bottom is by any chance, do you recognize whether or not that date that's written in there, 2/1/21, is that your handwriting? Yes. MR. CUMMINGS: Okay. I think I'm probably done with my questions. If it's okay with everybody else, I thought I might take just a very short break. I may have one or two more questions, and then Mr. Frisch might have some questions. Is that okay with everybody? MR. FRISCH: Yes. MR. CUMMINGS: We'll take just a short break. Off the record.	2 3 A. 4 Q. 5 6 A. 7 Q. 8 9 A. 10 Q. 11 12 13 A. 14 Q. 15 16 17	Okay. And you mentioned another manager by the name of Alex. Do you recall that person's last name? I do not, no. If I said the name Alex Mecks (phonetic), would that refresh your memory as to who that Alex was? That sounds correct, yes. Can you recall the names of any other supervisors or managers that you worked with? Not that I can recall, no. Can you recall any of the names of the people you would have dealt with handing in your paperwork to, or your handheld to, at the end of the day? I cannot recall their names, no. Okay. Now, you had mentioned for me some typical times that you spent at the beginning of the day between the time you arrived and the time that you left with the truck for the day and also the other side of the day between a checking in, printing it
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2 3 A. 4 5 Q. 6 7 8 9 A. 10 11 12 13 14 15 16 17 18 19 20 21 BY 2	Absopure? Since I would agree to that because that is my signature. I see. And that is the date on the bottom is by any chance, do you recognize whether or not that date that's written in there, 2/1/21, is that your handwriting? Yes. MR. CUMMINGS: Okay. I think I'm probably done with my questions. If it's okay with everybody else, I thought I might take just a very short break. I may have one or two more questions, and then Mr. Frisch might have some questions. Is that okay with everybody? MR. FRISCH: Yes. MR. CUMMINGS: We'll take just a short break. Off the record. (Off the record at 5:03 p.m.) (Back on the record at 5:10 p.m.) MR. CUMMINGS:	2 3 A. 4 Q. 5 6 A. 7 Q. 8 9 A. 10 Q. 11 12 13 A. 14 Q. 15 16 17 18 19 20 21 22	Okay. And you mentioned another manager by the name of Alex. Do you recall that person's last name? I do not, no. If I said the name Alex Mecks (phonetic), would that refresh your memory as to who that Alex was? That sounds correct, yes. Can you recall the names of any other supervisors or managers that you worked with? Not that I can recall, no. Can you recall any of the names of the people you would have dealt with handing in your paperwork to, or your handheld to, at the end of the day? I cannot recall their names, no. Okay. Now, you had mentioned for me some typical times that you spent at the beginning of the day between the time you arrived and the time that you left with the truck for the day and also the other side of the day between a checking in, printing it with the warehouse person and leaving for the day. I'm asking, did you make any observations or can recall any observations about the times that other truck drivers would have spent either in the morning

	bury of	, 2	023 42 LO 4.
1 A.	Page 42 Not a specific pattern that I can recall, no.	1	Page make I mean, on how many days did you have to make
2 Q.	On either side. Like to just give an example. I'm	2	a second run?
3	not trying to put anything in your head. If you	3 A.	Approximately just about every time.
4	regularly worked with another driver and you happened	4 O.	Every time that you drove the van?
5	to know how long his time in the morning was before he	5 A.	Yes.
6	left or same in the evening. Do you have any	6	
7			MR. CUMMINGS: Okay. I have no further
	recollection along those lines?	7	questions.
8 A.	There was nothing that I really monitored that	8	MR. FRISCH: He will read, and we'll take
9	closely, no.	9	copy if Mr. Cummings orders.
10	MR. CUMMINGS: Okay. That ends my	10	MR. CUMMINGS: Yes, we will be ordering.
11	questions.	11	COURT REPORTER: Are both orders e-trans?
12	MR. FRISCH: I just have a few follow-up	12	MR. FRISCH: That would be fine with us.
13	questions.	13	MR. CUMMINGS: Yes, we're fine with that.
14	EXAMINATION	14	(Deposition concluded at 5:17 p.m.
15 BY 1	MR. FRISCH:	15	Signature of the witness was requested.)
16 Q.	Did you drive a variety of different types of vehicles	16	
17	during your period of your employment with Absopure,	17	
18	or was it always the same type of vehicle?	18	
19 A.	I drove different types of vehicles, yes.	19	
20 Q.	Did you ever drive my understanding is they had	20	
21	in addition to, I guess, bigger trucks, they also had	21	
22	vans that were used for the deliveries; is that right?	22	
23 A.	Yes.	23	
24 Q.	Were you one of the drivers who drove the vans on	24	
25	occasion?	25	
1 A.	Page 43 Yes.	1 JUS	TIN GUY, individually and on
2 Q.	Do you know can you give me an approximation of how	2 beh	alf of those similarly situated,
3	many times you think during your employment you drove	3	Plaintiff,
4	a van to complete your deliveries?	4	vs. Case No. 20-cv-12734-MAG-EAS
5 A.	An approximate, 15 to 20 times.	5	HON. MARK A. GOLDSMITH
6 A.	MR. FRISCH: Okay. Thanks. I have nothing	6 ABS	OPURE WATER COMPANY, LLC
7	further.	7 a d	lomestic limited liability company,
_		R	Defendant.
8	MR. CUMMINGS: I will just follow up.	9	bereindine.
9	RE-EXAMINATION		
10 BY	MR. COMMINGS:	10	
11 Q.	What were the circumstances under which you would have	11	VERIFICATION OF DEPONENT
12	driven a van?	12	
13 A.	If there were trucks that were unavailable due to	13	I, having read the foregoing deposition
14	or requiring maintenance.	14	consisting of my testimony at the aforementioned time
15 Q.	Would you have did you drive the vans on your	15	and place, do hereby attest to the correctness and
16	regular routes? You said it was downtown?	16	truthfulness of the transcript.
17 A.	I yes, I would have taken a van down there, yes.	17	
18 Q.	Okay. When you did that, was there ever an issue with	18	
19	having enough product to complete your route on the	19	
20	van?	20	DAVID SUJKOWSKI
21 A.	Typically, there would have not been enough product on	21	Dated:
22		22	
		23	
		24	
		25	
22 23 24	the van to complete my entire route. I would have had to go back to Plymouth and then head back out for a second rum.	22 23 24	
25 Q.	So did you have to how often did you have to	25	

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